

Reserve
KFI
1235
A21
v. 14
no. 5
Feb 2,



JIM EDGAR
Secretary of State

ILLINOIS REGISTER

Rules of Governmental Agencies

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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1990

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 19, 1989	Dec. 26, 1989	1	Jan. 5, 1990	June 26, 1990	July 3, 1990	28	July 13, 1990
Dec. 26, 1990	Jan. 2, 1990	2	Jan. 12, 1990	July 3, 1990	July 10, 1990	29	July 20, 1990
Jan. 2, 1990	Jan. 9, 1990	3	Jan. 19, 1990	July 10, 1990	July 17, 1990	30	July 27, 1990
Jan. 9, 1990	Jan. 16, 1990	4	Jan. 26, 1990	July 17, 1990	July 24, 1990	31	Aug. 3, 1990
Jan. 16, 1990	Jan. 23, 1990	5	Feb. 2, 1990	July 24, 1990	July 31, 1990	32	Aug. 10, 1990
Jan. 23, 1990	Jan. 30, 1990	6	Feb. 9, 1990	July 31, 1990	Aug. 7, 1990	33	Aug. 17, 1990
Jan. 30, 1990	Feb. 6, 1990	7	Feb. 16, 1990	Aug. 7, 1990	Aug. 14, 1990	34	Aug. 24, 1990
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Feb. 20, 1990	Feb. 27, 1990	10	Mar. 9, 1990	Aug. 28, 1990	Sept. 4, 1990	37	Sept. 14, 1990
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Mar. 13, 1990	Mar. 20, 1990	13	Mar. 30, 1990	Sept. 18, 1990	Sept. 25, 1990	40	Oct. 5, 1990
Mar. 20, 1990	Mar. 27, 1990	14	Apr. 6, 1990	Sept. 25, 1990	Oct. 2, 1990	41	Oct. 12, 1990
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May 8, 1990	May 15, 1990	21	May 25, 1990	Nov. 13, 1990	Nov. 20, 1990	48	Nov. 30, 1990
May 15, 1990	May 22, 1990	22	June 1, 1990	Nov. 20, 1990	Nov. 27, 1990	49	Dec. 7, 1990
May 22, 1990	May 29, 1990	23	June 8, 1990	Nov. 27, 1990	Dec. 4, 1990	50	Dec. 14, 1990
May 29, 1990	June 5, 1990	24	June 15, 1990	Dec. 4, 1990	Dec. 11, 1990	51	Dec. 21, 1990
June 5, 1990	June 12, 1990	25	June 22, 1990	Dec. 11, 1990	Dec. 18, 1990	52	Dec. 28, 1990
June 12, 1990	June 19, 1990	26	June 29, 1990	Dec. 18, 1990	Dec. 24, 1990	1	Jan. 4, 1991
June 19, 1990	June 26, 1990	27	July 6, 1990	Dec. 24, 1990	Dec. 31, 1990	2	Jan. 11, 1991

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Comprehensive Health Education
- 2) Code Citation: 23 Ill. Adm. Code 253
- 3) Section Numbers: 253.30 Proposed Action:
Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 122, par. 861 et seq., as amended by Public Acts 85-1389, 86-878 and 86-941; Ill. Rev. Stat. 1987, ch. 122, par. 27-9.2, as amended by Public Act 86-941, effective January 1, 1990; Public Act 86-828, effective January 1, 1990.
- 5) A Complete Description of the Subjects and Issues Involved:

These amendments bring the rules governing comprehensive health education into compliance with the following legislation:

- P.A. 85-680, which adds two provisions: 1) Health education must include the study of the prevention and control of disease, including AIDS (Section 253.30(b)(4)); and 2) Students shall not be required to participate in a class or course on AIDS instruction, if their families object (Section 253.30(c));
- P.A. 85-1389, which adds the requirement that health education include the study of all aspects of family life, including sexual abstinence until marriage (Section 253.30(b)(7));
- P.A. 86-878, which adds the requirement that health education include the study of the legal and medical ramifications of alcohol, drug and tobacco use and abuse during pregnancy (Section 253.30(b)(8)); and
- P.A. 86-941, which adds classes in family life as courses of study that students shall not be required to take, if their families object (Section 253.30(c)).

- 6) Will this proposed rule replace an emergency rule currently in effect?
No

- 7) Does this rulemaking contain an automatic repeal date? ___ Yes X No

- 8) Does this proposed amendment contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: Adoption of these amendments is necessary to conform the rules to Public Acts 85-680, 85-1389, 86-878 and 86-941. No requirements beyond those mandated by statute are imposed by this rulemaking.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

Ms. Sheryl Poggi
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
(217) 782-3371

- 12) Initial Regulatory Flexibility Analysis: These amendments will not affect small businesses.

The full text of the Proposed Rule(s) begins on the next page:

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER 1: STATE BOARD OF EDUCATION
SUBCHAPTER g: SPECIAL COURSES OF STUDY

PART 253
COMPREHENSIVE HEALTH EDUCATION

Section	Definition of Terms
253.10	Responsibility for Health Education
253.20	Basis for Comprehensive Health Education Curricula
253.30	Time Requirements
253.40	Scheduling Procedures
253.50	The Health Education Instructional Program
253.60	Materials and Facilities
253.70	Evaluation
253.80	

AUTHORITY: Implementing the Critical Health Problems and Comprehensive Health Education Act (Ill. Rev. Stat. 1987, ch. 122, par. 861 et seq., as amended by P.A. 86-878 and P.A. 86-941, effective January 1, 1990) and Section 27-23.2 of The School Code as added by P.A. 86-828, effective January 1, 1990, and authorized by Section 6 of the Critical Health Problems and Comprehensive Health Education Act (Ill. Rev. Stat. 1987, ch. 122, par. 866).

SOURCE: Adopted March 1, 1972; codified at 7 Ill. Reg. 16506; amended at ___ Ill. Reg. ___, effective ___.

Capitalization denotes statutory language.

Section 253.30 Basis for Comprehensive Health Education Curricula

The comprehensive health education program shall include but not be limited to the following major educational areas as a basis for curricula in all elementary and secondary schools in this State:--HUMAN ECOLOGY AND HEALTH, HUMAN GROWTH AND DEVELOPMENT, PREVENTION AND CONTROL OF DISEASE, PUBLIC AND ENVIRONMENTAL HEALTH, CONSUMER HEALTH, SAFETY EDUCATION AND DISASTER SURVIVAL, MENTAL HEALTH AND FITNESS, PERSONAL HEALTH HABITS, ALCOHOL, DRUG USE AND ABUSE, TOBACCO, NUTRITION, AND DENTAL HEALTH.

- a) The subjects set forth in subsections (b)(1) through (b)(13) of this Section are those which must be addressed in the comprehensive health education program

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NOTICE OF PROPOSED AMENDMENTS

each school district is required to establish pursuant to the Critical Health Problems and Comprehensive Health Education Act (Ill. Rev. Stat. 1987, ch. 122, par. 861 et seq., as amended by P.A. 85-1389, effective September 2, 1988, P.A. 86-878, effective January 1, 1990 and P.A. 86-941, effective January 1, 1990). Nothing in this Section shall be construed as requiring or preventing any school district from establishing a class or course in comprehensive sex education or family life education as authorized by Sections 27-9.1 and 27-9.2 of The School Code (Ill. Rev. Stat. 1987, ch. 122, pars. 27-9.1, 27-9.2 as amended by P.A. 86-941, effective January 1, 1990) or by the Sex Education Act (Ill. Rev. Stat. 1987, ch. 122, par. 698.51 et seq.).

b) THE FOLLOWING MAJOR EDUCATIONAL AREAS SHALL BE INCLUDED IN COMPREHENSIVE HEALTH EDUCATION CURRICULA IN ALL ELEMENTARY AND SECONDARY SCHOOLS IN THIS STATE:

- 1) HUMAN GROWTH AND DEVELOPMENT;
- 2) HUMAN ECOLOGY AND HEALTH;
- 3) NUTRITION;
- 4) PREVENTION AND CONTROL OF DISEASE, INCLUDING INSTRUCTION IN GRADES 6 THROUGH 12 ON THE PREVENTION, TRANSMISSION AND SPREAD OF AIDS;
- 5) MENTAL HEALTH AND ILLNESS;
- 6) PERSONAL HEALTH HABITS;
- 7) THE EMOTIONAL, PSYCHOLOGICAL, PHYSIOLOGICAL, HYGIENIC AND SOCIAL RESPONSIBILITIES OF FAMILY LIFE, INCLUDING SEXUAL ABSTINENCE UNTIL MARRIAGE;
- 8) ALCOHOL AND DRUG USE AND ABUSE, INCLUDING CLASSROOM INSTRUCTION IN GRADES 5 THROUGH 12 CONCERNING THE PHYSICAL AND LEGAL EFFECTS AND RAMIFICATIONS OF DRUG AND SUBSTANCE ABUSE INCLUDING MEDICAL AND LEGAL RAMIFICATIONS OF ALCOHOL, DRUG AND TOBACCO USE AND ABUSE DURING PREGNANCY;
- 9) TOBACCO;

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 10) DENTAL HEALTH:
- 11) PUBLIC AND ENVIRONMENTAL HEALTH:
- 12) SAFETY EDUCATION AND DISASTER SURVIVAL; AND
- 13) CONSUMER HEALTH. (Section 3 of the Critical Health Problems and Comprehensive Health Education Act; Ill. Rev. Stat. 1987, ch. 22, par. 863, as amended by Public Act 85-1389, effective September 2, 1988, Public Act 86-878, effective January 1, 1990, and Public Act 86-941, effective January 1, 1990.)
- c) NO PUPIL SHALL BE REQUIRED TO TAKE OR PARTICIPATE IN ANY CLASS OR COURSE ON AIDS INSTRUCTION OR FAMILY LIFE IF THE PUPIL'S PARENT OR GUARDIAN SUBMITS WRITTEN OBJECTION THERETO, AND REFUSAL TO TAKE OR PARTICIPATE IN SUCH COURSE OR PROGRAM SHALL NOT BE REASON FOR SUSPENSION OR EXPULSION OF SUCH PERSON (Section 3 of the Critical Health Problems and Comprehensive Health Education Act; Ill. Rev. Stat. 1987, ch. 122, par. 863, as amended by Public Act 85-1389, effective September 2, 1988, Public Act 86-878, effective January 1, 1990, and Public Act 86-941, effective January 1, 1990.)
- d) Health education program curricula may include those subjects cited as additional elements in Section 3 of the Critical Health Problems and Comprehensive Health Education Act and in Section 27-23.2 of The School Code as added by P.A. 86-828, effective January 1, 1990.

(Source: Amended at _____ Ill. Reg. _____, effective _____)

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Public Schools Evaluation, Recognition and Supervision
- 2) Code Citation: 23 Ill. Adm. Code 1
- 3) Section Numbers:
- | | |
|------------|-------------------------|
| 1.30 | <u>Proposed Action:</u> |
| 1.240 | Amendment |
| 1.280 | Amendment |
| 1.290 | Amendment |
| 1.320 | Amendment |
| 1.420 | Amendment |
| 1.430 | Amendment |
| 1.440 | Amendment |
| 1.630 | Amendment |
| 1.640 | Amendment |
| 1.730 | Amendment |
| 1.735 | New Section |
| Appendix A | Amendment |
| Appendix B | Amendment |
- 4) Statutory Authority: Sections 2-3.25, 2-3.43, 2-3.44, 10-17a, 10-20.14, 10-22.43a, 14C-8, 26-13, 27-12.1, 27-13.1, 27-20.3, 27-22, and 27-23.2 of The School Code (Ill. Rev. Stat. 1987, ch. 122, pars. 2-3.25, 2-3.43, 2-3.44, 10-17a, 10-20.14, 10-22.43a, 14C-8, 26-13, and 27-12.1; par. 27-3.1; as amended by P.A. 86-229, effective January 1, 1990; par. 27-20.3, as added by P.A. 86-780, effective January 1, 1990; par. 27-22, as amended by P.A. 86-623, effective January 1, 1990; par. 27-23.2, as added by P.A. 86-828, effective January 1, 1990).
- 5) A Complete Description of the Subjects and Issues Involved:

Several pieces of legislation over the last two years have affected provisions of Part 1, and these are being updated at this time. Specifically:

- P.A. 85-375 led to the amendment of Section 1.280 (Discipline);
- P.A. 85-1389 affected Section 1.420(n) (Health Education);
- P.A. 86-229, which takes effect January 1, 1990, adds waste reduction and recycling to the topics recommended for inclusion in conservation of natural resources courses (Section 1.420(l)(1));
- P.A. 86-623, which takes effect January 1, 1990, adds American Sign Language as an accepted foreign language (Section 1.440(g)(5)(C));
- P.A. 86-780, which takes effect January 1, 1990, adds the study of the Holocaust to Social Studies and History requirements (Section 1.420(r));

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

P.A. 86-788, which takes effect January 1, 1990, requires instruction in grades K through 8 on the prevention of substance abuse (added as Section 1.430(a)(12)); and
 P.A. 86-828 requires instruction regarding the abuse of anabolic steroids (Section 1.420(u)).

Another group of the amendments proposed to Part 1 arises from the recommendations of the Mandates Task Force chaired by Senator John Maitland. The following changes are being made pursuant to those recommendations, which were adopted by the State Board in May 1988.

Section 1.30, which calls for a written program plan, has been amended to refer to the Learning Assessment and School Improvement Plans now required of all school districts;

In Section 1.420 (Basic Standards), four subsections are being deleted to eliminate the mandates they contain: 1.420(c), (j), (s) and (v). These have required provisions for students of different talents, intellectual capacities and interests; continuity and articulation; metric education; and the preparation of students to read and communicate effectively.

New standards adopted by the State Teacher Certification Board, effective on July 1, 1991, account for a change in effective date of Section 1.730 (Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades Six (6) and Above), as this relates to Vocational Education (subsection (v)), and adds Section 1.735 (Requirements to take effect on July 1, 1991).

The agency agreed with JCAR to add language to Section 1.290 (Absenteeism and Truancy Policies) that would clarify the definition of immediate family and specify how approval for absences under other circumstances could be obtained.

The final set of amendments made technical changes, updated sections, deleted obsolete or unnecessary language, and corrected text errors in Sections 1.240 (Equal Opportunity), 1.320(d) (Evaluation of Certified Employees), 1.420(r) (Media Programs), 1.640 (Requirements for Different Certificates), and Appendices A and B (Certificate lists).

- 6) Will this proposed rule replace an emergency rule currently in effect?
 No

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 7) Does this rulemaking contain an automatic repeal date? Yes ☒ No ☐
 8) Does this proposed amendment contain incorporations by reference? No
 9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These amendments include changes in the required curriculum of elementary and high schools. (Sections 1.420 (l, r and u) and 1.430 (a)(12).) These changes are necessary to conform the rules to Public Acts 86-229, 86-780, 86-788 and 86-828. No curricular requirements beyond those mandated by statute are imposed by this rulemaking.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

Ms. Sheryl Poggi
 Illinois State Board of Education
 100 North First Street
 Springfield, Illinois 62777
 (217) 782-3771

- 12) Initial Regulatory Flexibility Analysis: These amendments will not affect small businesses.

The full text of the Proposed Rule(s) begins on the next page:

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
 SUBTITLE A: EDUCATION
 CHAPTER I: STATE BOARD OF EDUCATION
 SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

PART 1

PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

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1.20	Evaluation by Public School Approval Section and Regional Superintendent
1.30	<u>Written-Program-Plan-to-be-Filed Development of Learning Assessment</u>
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NOTICE OF PROPOSED AMENDMENTS

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 APPENDIX B Certification Quick Reference Chart
 APPENDIX C Glossary of Terms

AUTHORITY: Implementing Sections 2-3.25, 2-3.43, 2-3.44, 10-17a, 10-20.14, 10-22.43a, 14C-8, 26-13, 27-12.1, 27-13.1, 27-20.3, 27-22, and 27-23.2 and authorized by Section 2-3.6 of The School Code (Ill. Rev. Stat. 1987, ch. 122, pars. 2-3.25, 2-3.43, 2-3.44, 10-17a, 10-20.14, 10-22.43a, 14C-8, 26-13, and 27-12.1; par. 27-3.1, as amended by P.A. 86-229, effective January 1, 1990; par. 27-20.3, as added by P.A. 86-780, effective January 1, 1990; par. 27-22, as amended by P.A. 86-623, effective January 1, 1990; par. 27-23.2, as added by P.A. 86-828, effective January 1, 1990; and par. 2-3.6).

SOURCE: Adopted September 21, 1977; codified at 7 Ill. Reg. 16022; amended at 9 Ill. Reg. 8608, effective May 28, 1985; amended at 9 Ill. Reg. 17766, effective November 5, 1985; emergency amendment at 10 Ill. Reg. 14314, effective August 18, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 3073, effective February 2, 1987; amended at 12 Ill. Reg. 4800, effective February 26, 1988; amended at ____ Ill. Reg. ____.

NOTE: Capitalization denotes statutory language.

SUBPART A: RECOGNITION AND SUPERVISION

Section 1.30 Written Program Plan to be Filed Development of Learning Assessment and School Improvement Plans

As part of the recognition standards, a school district shall file a written program plan with the State Board of Education for the purpose of this requirement is to allow local districts maximum flexibility in developing school improvement programs which are carefully structured around locally identified needs.

- a) The program plan shall be annually revised, updated and submitted to the State Board of Education, Public School Approval Section. This revision and updating will be in accordance with the questions stated on the "School District Annual Report and Application for Recognition."
- b) In the development and revision of its program plan, the school district shall reflect community involvement.

Each district shall develop Learning Assessment and School Improvement Plans in accordance with the requirements set forth in 23 Ill. Adm. Code 210 (Learning Assessment and School Improvement Plans).

(Source: Amended at ____ Ill. Reg. ____, effective ____)

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SUBPART B: SCHOOL GOVERNANCE

Section 1.240 Equal Opportunities for all Students

All students within a school district must be provided equal opportunities in all education programs and services provided by the system (Section 10-20.12 of The School Code).

- a) No school system may exclude or segregate any pupil from a school because of color, race, or nationality (Section 10-22.5 of The School Code).
- b) The board of education shall submit periodic reports as required by the State Board of Education detailing pupil attendance, faculty assignments, and actions taken and planned to prevent and eliminate segregation.
- c) Each school district shall assure that no student shall be refused admission or be excluded from any courses of instruction, interscholastic athletic program, or comparable programs by reason of that person's sex. (Public Act 79-597 which amends Sections 24-4 and 27-1 of The School Code) be in compliance with 23 Ill. Adm. Code 200 (Sex Equity).
- d) The board of education shall be in compliance with 23 Ill. Adm. Code 375 (Student Records).
- e) The board of education shall charge per capita tuition based on an amount not exceeding 110% of the previous year's per capita cost to nonresident students. Pupils who become nonresidents during a school term shall not be charged tuition for the remainder of the term (Section 10-20.12a of The School Code).
- f) The board of education shall loan textbooks to students whose parents are unable to buy them (Section 10-20.13 of The School Code).
- g) Any school district containing one or more attendance centers having 20 or more students of limited English-speaking fluency of the same language background shall establish a program in transitional bilingual education according to 23 Ill. Adm. Code 228, Transitional Bilingual Education.
- h) The establishment and operation of all special education shall follow 23 Ill. Adm. Code 226 (Special Education).
- i) Each school district receiving general state aid under the Resource Equalizer Formula, as provided in Chapter 122, Article 18-8.94A of

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The School Code, and whose title is Chapter 1 weighted average daily attendance (WADA) is ~~10,000 or more~~ between 1,000 and 50,000, shall annually, ~~prior to August 15~~ file a plan with the State Board of Education. This plan must be in compliance with 23 Ill. Adm. Code 201, Disadvantaged Students Funds Plan - Districts Between 1,000 and 50,000 ADA ~~issued by the State Board of Education~~.

- 1) Each school district whose Chapter 1 weighted average daily attendance (WADA) is 50,000 or more, shall annually file a plan with the State Board of Education. This plan must be in compliance with 23 Ill. Adm. Code 202 (Disadvantaged Students Funds Plan - Districts over 50,000 ADA).

(Source: Amended at ____ Ill. Reg. ____, effective ____)

Section 1.280 Discipline

Section 24-24 of The School Code states that teachers and other certificated educational employees shall maintain discipline in the schools.

- a) To prevent misuse of this broad concept as set out in Section 24-24 of The School Code, the district shall comply with the following subsections of this Section.
- b) If corporal punishment is to be used by school districts as a penalty for misbehavior, the district shall notify parents upon initial enrollment of the student that they may submit a written request that corporal punishment not be administered to their child or children.

- c) THE BOARD OF EDUCATION SHALL ESTABLISH AND MAINTAIN A PARENT-TEACHER ADVISORY COMMITTEE TO DEVELOP WITH THE SCHOOL BOARD POLICY GUIDELINES ON PUPIL DISCIPLINE, SHALL FURNISH A COPY OF THE POLICY TO THE PARENTS OR GUARDIAN OF EACH PUPIL WITHIN 15 DAYS AFTER THE BEGINNING OF THE SCHOOL YEAR, OR WITHIN 15 DAYS AFTER STARTING CLASSES FOR A PUPIL WHO TRANSFERS INTO THE DISTRICT DURING THE SCHOOL YEAR, AND SHALL REQUIRE THAT EACH SCHOOL INFORM ITS PUPILS OF THE CONTENTS OF ITS POLICY (Section 10-20.14 of The School Code).

- d) THE BOARD OF EDUCATION MUST ESTABLISH A WRITTEN POLICY ON DISCIPLINE, AND THE POLICY SO ESTABLISHED MUST PROVIDE THAT A TEACHER MAY USE REASONABLE FORCE AS NEEDED TO MAINTAIN SAFETY FOR THE OTHER STUDENTS AND MAY REMOVE A STUDENT FROM THE CLASSROOM FOR DISRUPTIVE BEHAVIOR AND MUST INCLUDE PROVISIONS WHICH PROVIDE DUE PROCESS TO STUDENTS (Section 24-24 of The School Code).

(Source: Amended at ____ Ill. Reg. ____, effective ____)

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Section 1.290 Absenteeism and Truancy Policies

a) Definitions

- 1) "Valid Cause" for absence means ILLNESS, OBSERVANCE OF A RELIGIOUS HOLIDAY, DEATH IN THE IMMEDIATE FAMILY AS DEFINED IN Section 24-6 of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 24-6) but also including aunts and uncles of the affected student, FAMILY EMERGENCY, AND SHALL INCLUDE SUCH OTHER SITUATIONS BEYOND THE CONTROL OF THE STUDENT AS DETERMINED BY THE BOARD OF EDUCATION IN EACH DISTRICT, OR SUCH OTHER CIRCUMSTANCES WHICH CAUSE REASONABLE CONCERN TO THE PARENT FOR THE SAFETY OR HEALTH OF THE STUDENT (Ill. Rev. Stat. 1986-Supp- 1987, ch. 122, par. 26-2a), as attested by a letter signed by such parent and approved or disapproved by the board of education in each school district.

- 2) "Truant" means a child who is SUBJECT TO COMPULSORY SCHOOL ATTENDANCE AND WHO IS ABSENT WITHOUT VALID CAUSE FOR A SCHOOL DAY OR PORTION THEREOF (Ill. Rev. Stat. 1986-Supp- 1987, ch. 122, par. 26-2a).

- 3) "Chronic or Habitual Truant" means a CHILD SUBJECT TO COMPULSORY SCHOOL ATTENDANCE AND WHO IS ABSENT WITHOUT VALID CAUSE FROM SUCH ATTENDANCE FOR 10% OR MORE OF THE PREVIOUS 180 REGULAR ATTENDANCE DAYS (Ill. Rev. Stat. 1986-Supp- 1987, ch. 122, par. 26-2a).

- 4) "Truant Minor" means a child who is A CHRONIC TRUANT TO WHOM SUPPORTIVE SERVICES, INCLUDING PREVENTION, DIAGNOSTIC INTERVENTION AND REMEDIAL SERVICES, ALTERNATIVE PROGRAMS AND OTHER SCHOOL AND COMMUNITY RESOURCES HAVE BEEN PROVIDED AND HAVE FAILED TO RESULT IN THE CESSATION OF CHRONIC TRUANCY, OR HAVE BEEN OFFERED AND REFUSED (Ill. Rev. Stat. 1986-Supp- 1987, ch. 122, par. 26-2a).

b) Purpose

This Section establishes guidelines and criteria required by Section 26-13 of The School Code (Ill. Rev. Stat. 1986-Supp- 1987, ch. 122, par. 26-13), which provides that SCHOOL DISTRICTS SHALL ADOPT ABSENTEEISM AND TRUANCY POLICIES IDENTIFYING APPROPRIATE SUPPORTIVE SERVICES AND AVAILABLE RESOURCES FOR TRUANTS AND CHRONIC TRUANTS.

c) Content of Policies

Each school district shall develop an absenteeism and truancy policy including at least the following elements:

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- 1) A definition of a valid cause for absence in accordance with Section 26-2a of The School Code;
- 2) A description of diagnostic procedures to be used for identifying the cause(s) of unexcused student absenteeism, which shall, at a minimum, include interviews with the student, his or her parent(s) or guardian(s), and any school official(s) or other parties who may have information about the reasons for the student's attendance problem; and
- 3) The identification of supportive services to be made available to truant or chronically truant students. These services shall include, but need not be limited to, parent conferences, student counseling, family counseling, and information about existing community services which are available to truant and chronically truant students and relevant to their needs.
- d) Punitive action taken against a student for truancy shall be limited by the provisions of Section 26-12 of The School Code (Ill. Rev. Stat. 1986-Supp. 1987, ch. 122, par. 26-12).

(Source: Amended at ___ Ill. Reg. ___, effective _____)

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section 1.320 Duties

- a) The superintendent shall have charge of administration of the schools under the direction of the board of education. Section 10-21.4 and Section 34-8 of The School Code detail the duties and responsibilities of the superintendent. ~~the local superintendent shall make recommendations for the detailed management of the educational program and the business affairs of the district and shall conduct the schools' business in accordance with policies established by the board of education.~~
- b) The principal shall assume administrative responsibilities and instructional leadership ~~under the supervision of the superintendent and in accordance with reasonable rules and regulations of the board of education for the planning, operation and evaluation of the educational program of the attendance area to which the principal is assigned.~~ Section 10-21.4a and Section 34-8.1 of The School Code detail those administrative responsibilities which the principal shall perform.

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- c) SCHOOL BOARDS SHALL SPECIFY IN THEIR FORMAL JOB DESCRIPTION FOR PRINCIPALS THAT HIS OR HER PRIMARY RESPONSIBILITY IS IN THE IMPROVEMENT OF INSTRUCTION. A MAJORITY OF THE TIME SPENT BY A PRINCIPAL SHALL BE SPENT ON CURRICULUM AND STAFF DEVELOPMENT THROUGH BOTH FORMAL AND INFORMAL ACTIVITIES, such as planned inservice training and ad hoc or individual consultations, respectively, AND ESTABLISHING CLEAR LINES OF COMMUNICATION WITH PARENTS AND TEACHERS REGARDING SCHOOL GOALS, ACCOMPLISHMENTS, PRACTICES AND POLICIES.
- d) When conducting evaluations pursuant to 23 Ill. Adm. Code 50 (~~Evaluation~~ Evaluation of Certified School District Employees in Contractual Continued Service), SCHOOL BOARDS SHALL ENSURE THAT THEIR PRINCIPALS ARE EVALUATED ON THEIR INSTRUCTIONAL LEADERSHIP ABILITY AND THEIR ABILITY TO MAINTAIN A POSITIVE EDUCATION AND LEARNING CLIMATE (Sections 10-21.4a and 34-8.1 of The School Code).

(Source: Amended at ___ Ill. Reg. ___, effective _____)

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section 1.420 Basic Standards

- a) Class schedules shall be maintained in the administrative office in each attendance center of a school district.
- b) Every school district shall have an organized plan for recording pupil progress and/or awarding credit; a plan which can be disseminated to other schools within the state.
- c) ~~Every school district shall make provisions for students of different talents, intellectual capacities, and interests.~~
- d) Every school district shall:
- 1) Provide curricula and staff inservice training to help eliminate unconstitutional and unlawful discrimination in our schools and society. School districts shall utilize the resources of the community in achieving the stated objective of elimination of discrimination and to enrich the instructional program.
 - 2) Include in its instructional program concepts which are designed to improve students' understanding of and their relationships between with individuals and groups of different ages, sexes, races, national origins, religions, and socio-economic backgrounds.

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- d) e Boards shall adopt and implement a policy for the distribution of teaching assignments, including study hall and extra class duties and responsibilities.
- e) f Every school system shall conduct supervisory and inservice programs for its professional staff. The staff shall be involved in planning, conducting, and evaluating supervisory and inservice programs.

- f) g The School Code, in Sections 10-19 and 18-8, specifies certain measures relative to the school day. Any deviation from Section 18-8 of The School Code will be examined on an individual basis by the State Superintendent of Education. Section 18-8 requires that every school system shall operate its schools so as to provide a minimum of five clock-hours of schoolwork each day with the following exceptions.

- 1) Four clock-hours may be counted as a day of attendance for full-day kindergarten and first-grade pupils.
- 2) TWO OR MORE CLOCK-HOURS MAY BE COUNTED AS A HALF-DAY OF ATTENDANCE BY PUPILS IN HALF-DAY KINDERGARTEN PROGRAMS. HOWEVER, SUCH KINDERGARTENS MAY COUNT TWO AND ONE-HALF DAYS OF ATTENDANCE IN ANY FIVE CONSECUTIVE SCHOOL DAYS. WHERE A PUPIL ATTENDS SUCH A KINDERGARTEN FOR TWO HALF-DAYS ON ANY ONE SCHOOL DAY, SUCH PUPIL SHALL HAVE THE FOLLOWING DAY AS A DAY ABSENT FROM SCHOOL, UNLESS THE SCHOOL SYSTEM OBTAINS PERMISSION IN WRITING FROM THE STATE SUPERINTENDENT OF EDUCATION. Approval will be granted pursuant to the provisions of subsection ~~49-1(f)(5)(A)~~ of this Section.
- 3) One clock-hour may count as one half-day of attendance for handicapped children below the age of six years who cannot attend a two-hour session because of handicap or immaturity.
- 4) Pupils may be counted for a second year of kindergarten attendance when such pupils entered kindergarten in their fifth year and when the school district has determined through an assessment of their educational development that a second year of kindergarten is warranted.
- 5) Opening and Closing of School Term - Approval of Days of Attendance of Four or More Clock-Hours
 - A) Days of attendance may be less than five clock-hours on the opening and closing day of the school term, and upon the second or third day of the school term if the first and second days are utilized as an institute or teachers'

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workshop. Four clock-hours may be counted as a day of attendance upon certification by the Regional Superintendent and approved by the State Superintendent of Education to the extent that the district has been forced to use daily multiple sessions. (Approval will be granted on the basis of the present facilities being inadequate to house a normal program.)

- B) Approval to count a session of four to five clock-hours as a day in session shall be granted by the State Superintendent of Education upon certification of the district's plans by the Regional Superintendent. The request shall be made prior to the opening of the school year to be used, shall include a copy of the official board of education minutes indicating board approval of the plan, shall include provision for remedying the situation that caused the request, and shall include a daily schedule showing that each student will, in fact, be in class at least four clock-hours. Requests for extensions shall be made by the district annually prior to the opening of school.
- 6) A session of three or more clock-hours up to a maximum of five half-days per school year may be counted as a full day of attendance when the remainder of the day is utilized for an inservice training program for teachers. Two full days may be used for parent-teacher conferences. Any full day used reduces the number of allowable half-days by two. In either instance, the programs shall have prior approval on forms supplied by the State Board of Education.
- 7) A school district shall be considered to have conducted a legal school day, which is eligible to be counted for state aid, when the following conditions are met during a work stoppage.
 - A) Fifty percent or more of the district's students are in attendance, based on the average daily attendance during the most recent full month of attendance prior to the work stoppage.
 - B) Educational programs are available at all grade levels in the district, in accordance with the minimum standards set forth in this Part.
 - C) All teachers must hold certificates which are registered with the Educational Service Region Superintendent for

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their county of employment. Other than substitute teachers, certification appropriate to the grade level and subject area(s) of instruction must be held by all teachers.

- 8) Any deviation from the five clock-hour requirement as it pertains to student attendance will be evaluated on an individual basis by the State Superintendent of Education.

9) h) Length of School Term

- 1) Each school board shall annually prepare a calendar for the school term, specifying the opening and closing dates and providing a minimum term of at least 185 days to ensure 176 days of actual pupil attendance, computable under Section 18-8 of The School Code. Any days allowed by law for a teachers' institute but not used as such shall increase the minimum term by the school days not so used. Except as provided in Section 10-19.1 of The School Code, the board may not extend the school term beyond such a closing date unless that extension of term is necessary to provide the minimum number of computable days. In case of such necessary extension, school employees shall be paid for such additional time on the basis of their regular contracts. A school board may specify a closing date earlier than that set on the annual calendar when the schools of the district have provided the minimum number of computable days under this section.

- 2) Nothing in this section prevents the board from employing superintendents of schools, principals, and other nonteaching personnel for a period of 12 months, or in the case of superintendents for a period in accordance with Section 10-23.8 of The School Code, or prevents the board from employing other personnel before or after the regular school term with payment of salary proportionate to that received for comparable work during the school term (Section 10-19 of The School Code).

- h) h) Every school district should adopt a process of evaluation which will measure progress toward accomplishing its instructional goals.

- h) h) Every school district should make provisions for continuity and articulation of its programs from level to level and course to course. The central goal of such articulation should be the provision of programs adapted to the individual student's needs and abilities.

- h) h) Local boards of education shall establish and maintain kindergartens for the instruction of children (Sections 10-20.19a, and 10-22.18 of The School Code).

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- 1) School districts may establish a kindergarten of either half-day or full-day duration. If the district establishes a full-day kindergarten, it must also provide a half-day kindergarten for those students whose parents or guardians request a half-day program.

- 2) If a school district which establishes a full-day kindergarten also has 20 or more students whose parents request a half-day program, the district must schedule half-day classes, separate and apart from full-day classes, for those children. If there are fewer than 20 children whose parents request a half-day program, such students may be enrolled in either the morning or afternoon session of a full-day program provided that the following conditions are met.

- A) Distinctive curriculum plans for the half-day and full-day kindergarten programs must be developed by the school district, made available to parents to assist the parents in selecting the appropriate program for their child, and maintained in district files.

- B) A common core of developmental, readiness and academic activities must be made available to all kindergarten students in the district regardless of the amount of time they attend school.

- C) All support services (e.g. health counseling and transportation) provided by the district must be equally available to full-day and half-day students.

h) h) Career Education

- 1) The educational system shall provide every student with opportunities to prepare themselves for entry into the world of work.

- 2) Every district shall initiate a Career Awareness and Exploration Program which should enable students to make more meaningful and informed career decisions. This program should be available at all grade levels.

h) h) Co-Curricular Activities

- 1) Programs for extra classroom activities shall provide opportunities for all students.

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- 2) The desires of the student body in the area of co-curricular activities shall be of critical importance. At all times, activities of this nature shall be carefully supervised by a school-approved sponsor.

k) # Consumer Education and Protection

- 1) A program in consumer education may include the following topics: the individual consumer in the marketplace, money management, consumer credit, human services--housing, food, transportation, clothing, health services, drugs and cosmetics, recreation, furnishings and appliances, insurance, savings and investments, taxes, and the consumer in our economy.
- 2) The superintendent of each unit or high school district shall maintain evidence which shows that each student has received adequate instruction in consumer education or has demonstrated proficiency by passing the Consumer Education Proficiency Test as required by law (Ill. Rev. Stat. 1985 1987, ch. 122, par. 27-12.1) prior to the completion of the 12th grade. Consumer education may be included in course content of other courses, or it may be taught as a separate required course.
- 3) The minimal time allocation shall not be less than nine weeks or the equivalent for grades 9-12 and shall include installment purchasing, budgeting, comparison of prices and an understanding of the roles of consumers interacting with agriculture, business, trade unions, and government in formulating and achieving the goals of the mixed free enterprise system.

- 4) Each district may use as a guideline the information set forth in "Consumer Education in Illinois Schools" issued by the State Board of Education.

- 5) Teachers instructing in consumer education courses shall have proper certification for the position to which they are assigned with at least three semester hours in consumer education courses.

l) # Conservation of Natural Resources

- 1) IN EVERY PUBLIC SCHOOL DISTRICT THERE SHALL BE INSTRUCTION, STUDY AND DISCUSSION OF CURRENT PROBLEMS AND NEEDS IN THE CONSERVATION OF NATURAL RESOURCES, INCLUDING, BUT NOT LIMITED TO, AIR POLLUTION, WATER POLLUTION, WASTE REDUCTION AND RECYCLING, THE EFFECT OF EXCESSIVE USE OF PESTICIDES, PRESERVATION OF WILDERNESS AREAS, FOREST MANAGEMENT, PROTECTION OF WILDLIFE, AND HUMANE CARE OF DOMESTIC ANIMALS. (Section 27-13.1 of The School Code)

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- 2) It is recommended that the study of conservation also include energy demands, population growth and distribution, food production, transportation systems, solid waste disposal, and noise abatement.

m) #

Every school district has the responsibility to prepare students for full citizenship. To this end each school district should encourage student discussion and communication in areas of local, state, national and international concern.

n) #

Health Education

Each school system shall be in compliance with 23 Ill. Adm. Code 253 (Comprehensive Health Education) issued pursuant to the Critical Health Problems and Comprehensive Health Education Act (Ill. Rev. Stat. 1985 1988 Supp., ch. 122, par. 861 et seq.).

1) The health education program shall include, but not be limited to, the following major educational areas as a basis for curricula in all elementary and secondary schools:--human ecology and health, human growth and development, prevention and control of disease, public and environmental health, consumer health, safety education and disaster survival, mental health and illness, personal health habits, alcohol, drug-use and abuse, tobacco, nutrition, and dental health.

1) 2)

There is no specific time requirement for grades K-6; however, health education shall be a part of the formal regular instructional program at each grade level.

2) 2)

The minimal time allocation shall not be less than one semester or equivalent during the middle or junior high experience.

3) 2)

The minimal time allocation shall not be less than one semester or equivalent in grade 9 or 10 during the high secondary school experience.

o) #

Media Programs

Each attendance center shall provide a program of media services to meet the curricular and instructional needs of the school. The "Standards for Educational Media Programs in Illinois Recommended Standards for Educational Library Media Programs" (Revised 1972 1986) is suggested as a guide for program development.

s) 2)

Media Education

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~~Every-school-system-shall-provide-measurement-instruction-based-upon the-international-system-of-units-in-these-subject-matter-areas which-include-measurement-activities.~~

p2 t2

Physical Education

- 1) Appropriate activity related to physical education shall be required of all students each day (The School Code, Section 27-6). The time schedule shall compare favorably with other courses in the curriculum. Safety education as it relates to the physical education program should be incorporated.
- 2) There shall be a definite school policy regarding credit earned each semester in physical education with provisions for allowable variables in special cases.
- 3) If a district determines that it is difficult to implement a program of physical education which involves all students daily, the administration should consult one of the program service personnel from the State Board of Education for assistance in the development of an acceptable program.
- 4) THE PHYSICAL EDUCATION AND TRAINING COURSE OFFERED IN GRADES 9 AND 10 MAY INCLUDE HEALTH EDUCATION. (Section 27-5 of The School Code)
- 5) SPECIAL ACTIVITIES IN PHYSICAL EDUCATION SHALL BE PROVIDED FOR PUPILS WHOSE PHYSICAL OR EMOTIONAL CONDITION, AS DETERMINED BY A PERSON LICENSED UNDER THE MEDICAL PRACTICE ACT (ILL. REV. STAT. 1985 1987, CH. 111, PAR. 4401 ET SEQ.), PREVENTS THEIR PARTICIPATION IN THE COURSES PROVIDED FOR NORMAL CHILDREN. Section 27-6 of The School Code.

- 6) Each school board which chooses to excuse pupils enrolled in grades 11 and 12 from engaging in physical education courses as provided in Section 27-6(b) of The School Code (ILL. REV. STAT. 1986-SUPP- 1987, CH. 122, PAR. 27-6(b)) shall establish a policy to excuse pupils on an individual basis and shall have such policy on file in the local district office. The district shall maintain records showing that, in disposing of each request to be excused from physical education, the district applied the criteria set forth in Section 27-6 to the student's individual circumstances (i.e., plans for postsecondary education, participation in interscholastic sports, or enrollment in a class required for graduation).

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q2 u2 Pupil Personnel Services

To assure provision of Pupil Personnel Services, the local district shall conduct a comprehensive needs assessment to determine the scope of the needs in the areas of:

- 1) Guidance and Counseling Needs;
- 2) Psychological Needs;
- 3) Social Work Needs;
- 4) Health Needs.

~~Every-school-district-has-the-responsibility-to-prepare-students-to read-and-communicate-effectively.~~

r2 u2 Social Studies and History

Each school system shall provide history and social studies courses which do the following: analyze the principles of representative government, the Constitutions of both the United States and the State of Illinois, the proper use of the flag, and how these concepts have related and presently do relate in actual practice in our world. The teaching of history of the United States shall include a study of the role and contributions of ethnic groups in the history of this country and the state, and the role of labor unions and their interaction with government in achieving the goals of a mixed free enterprise system. (Section 27-21 of The School Code). The course of study shall also include the study of the period in world history known as the Holocaust. (Section 27-20.3 of The School Code).

s2 u2 Protective eye devices shall be provided to and worn by all students, teachers, and visitors when participating in or observing dangerous vocational arts and chemical-physical courses of laboratories. (Section 698.11 of The School Code)

t2 u2 IN EVERY PUBLIC SCHOOL THERE SHALL BE INSTRUCTION, STUDY AND DISCUSSION OF EFFECTIVE METHODS BY WHICH PUPILS MAY RECOGNIZE THE DANGER OF AND AVOID ABDUCTION. SUCH REQUIRED INSTRUCTION, STUDY AND DISCUSSION MAY BE INCLUDED IN THE COURSES OF STUDY REGULARLY TAUGHT IN THE SCHOOLS. IN GRADES KINDERGARTEN THROUGH 8, SUCH REQUIRED INSTRUCTION MUST BE GIVEN EACH YEAR TO ALL PUPILS IN THOSE GRADES (Section 27-13.2 of The School Code).

u2 SCHOOL DISTRICTS SHALL PROVIDE INSTRUCTION IN RELATION TO THE PREVENTION OF ABUSE OF ANABOLIC STEROIDS IN GRADES 7 THROUGH 12 AND

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SHALL INCLUDE INSTRUCTION IN SCIENCE, HEALTH, DRUG ABUSE, PHYSICAL EDUCATION OR OTHER APPROPRIATE COURSES OF STUDY. SUCH INSTRUCTION SHALL EMPHASIZE THAT THE USE OF ANABOLIC STEROIDS PRESENTS A SERIOUS HEALTH HAZARD TO PERSONS WHO USE STEROIDS TO ENHANCE ATHLETIC PERFORMANCE OR PHYSICAL DEVELOPMENT. (Section 27-23.2 of The School Code as added by P.A. 86-828, effective January 1, 1990).

(Source: Amended at ___ Ill. Reg. ____, effective ____.)

Section 1.430 Additional Criteria for Elementary Schools

- a) A district shall provide the following coordinated and supervised courses of study. The time allotment, unless specified by The School Code or regulations, is the option of the local board of education.

- 1) Language Arts, Reading and other Communication Skills
- 2) Science
- 3) Mathematics
- 4) Social Studies
- 5) Music
- 6) Art
- 7) Health Education, one semester or equivalent at the junior high level (Ill. Rev. Stat. 1985 1988 Supp., ch. 122, par. 861 et seq.).
- 8) Physical Education, daily ~~except as provided in subsection (a) of this section~~ (Section 27-6 of The School Code).
- 9) Career Education--Awareness and Exploration
- 10) Safety Education, one hour per week (Section 27-17 of The School Code).
- 11) Conservation of Natural Resources (Section 27-13.1 of The School Code).
- 12) INSTRUCTION, STUDY, AND DISCUSSION IN GRADES KINDERGARTEN THROUGH 8 OF EFFECTIVE METHODS FOR THE PREVENTION AND AVOIDANCE OF DRUG AND SUBSTANCE ABUSE (Section 27-13.2 of The School Code).

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- b) American patriotism and the principles of representative government, as enunciated in the American Declaration of Independence, the Constitution of the United States of America and the Constitution of the State of Illinois, and the proper use and display of the American flag shall be taught in all public schools. Not less than one hour per week, or the equivalent, shall be devoted to the study of this subject matter in the 7th and 8th grade or the equivalent (Sections 27-3 and 27-4 of The School Code). No student shall receive certification of graduation without passing a satisfactory examination upon such subjects.

(Source: Amended at ___ Ill. Reg. ____, effective ____.)

Section 1.440 Additional Criteria for High Schools

- a) The district shall provide a comprehensive curriculum including the following as a minimum program of offerings. The time allotment, unless specified by The School Code or regulations, is the option of the local school district.

- 1) Language Arts, three units
- 2) Science
- 3) Mathematics
- 4) History of the United States, one unit
- 5) Foreign Language
- 6) Music
- 7) Art
- 8) Career Education--Orientation and Preparation
- 9) Health Education, students must take one semester or equivalent, i.e., at least eighteen weeks, ~~in ninth or tenth grade (Section 27-5 of The School Code) during the secondary school experience.~~
- 10) Physical Education, daily except as provided in subsection (a)(9) of this Section (Section 27-6 of The School Code).
- 11) Consumer Education, nine weeks, 50 minutes a day or equivalent, grades 10-12 except for students who have demonstrated proficiency pursuant to the provisions of Section 27-12.1 of The School Code.

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- 12) Conservation of Natural Resources (Section 27-13.1 of The School Code).
- 13) Driver and Safety Education, 30 clock-hours of classroom instruction and 6 clock-hours of behind the wheel--grades 10, 11, and 12 (Section 27-23 of The School Code).
- 14) Vocational Education--Job Entry Skill Development
- b) The daily program should be organized so as to afford each student easy access to the instructional materials center, the counselor, program of extracurricular activities, and teacher-student conferences.
- c) No teacher should have more than five different preparations.
- d) Each teacher should have time to conduct student conferences and plan for instructional programs.
- e) Driver Education and Safety
 - 1) School districts maintaining grades 9-12 shall provide instruction in compliance with Sections 27-23 and 27-24 of The School Code and 23 Ill. Adm. Code 252 (Driver Education).
 - 2) Such a course shall consist of at least 30 clock-hours of classroom instruction and at least six clock-hours of practice driving in a dual control car. Eight clock-hours of instruction on a multiple car range may be allowed in lieu of four clock-hours of instruction in a dual control car, and twelve clock-hours of instruction in driving simulators may be allowed in lieu of three clock-hours of instruction in a dual control car if prior approval is obtained.
 - 3) Strong emphasis shall be provided to establish and promote essential knowledge, correct habits, fundamental skills, proper attitudes, and a sound understanding of the rules and laws necessary for safe driving.
 - 4) Such a driver education course may include classroom instruction on the safety rules and operation of motorcycles or motor-driven cycles.
 - f) Specific minimum requirements for graduation applicable to students who entered the 9th grade prior to September 1984 are listed below.

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- 1) 16 units in grades 9-12 if a four-year school and 12 units in grades 10-12 if a three-year high school.
- 2) In either of the above, one unit shall be in American History or American History and Government. In a four-year high school, three units shall be in Language Arts and, in a three-year high school, two units shall be in Language Arts. In either instance emphasis shall be on reading and writing skills while one-half unit may be in oral communication.
- 3) American patriotism and the principles of representative government, as enunciated in the American Declaration of Independence, the Constitution of the United States of America and the Constitution of the State of Illinois, and the proper use and display of the American flag, shall be taught in all public schools. Not less than one hour per week, or the equivalent, shall be devoted to advanced study of this subject (Sections 27-3 and 27-4 of The School Code). No student shall receive certification of graduation without passing a satisfactory examination upon such subjects.
- 4) In addition to the foregoing, all graduates are required by law to have had adequate instruction in honesty, justice, moral courage, humane education, safety education, and others mandated in Section 27-15 of The School Code.
- g) Pursuant to Ill. Rev. Stat. 1985 1987, ch. 122, par. 27-22, students who enter the 9th grade in September 1984, and thereafter, except handicapped students whose course of study is determined by an individualized education program, must successfully complete the following courses as a prerequisite to receiving a high school diploma in addition to the applicable requirements of subsection (f) above and any requirements imposed by the local school district.
 - 1) THREE YEARS OF LANGUAGE ARTS;
 - 2) TWO YEARS OF MATHEMATICS, ONE OF WHICH MAY BE RELATED TO COMPUTER TECHNOLOGY;
 - 3) ONE YEAR OF SCIENCE;
 - 4) TWO YEARS OF SOCIAL STUDIES, OF WHICH AT LEAST ONE YEAR MUST BE HISTORY OF THE UNITED STATES OR A COMBINATION OF HISTORY OF THE UNITED STATES AND AMERICAN GOVERNMENT; AND
 - 5) ONE YEAR CHOSEN FROM
 - A) MUSIC,

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- B) ART,
- C) FOREIGN LANGUAGE, WHICH SHALL INCLUDE AMERICAN SIGN LANGUAGE, OR
- D) VOCATIONAL EDUCATION.
- h) School districts shall have on file in the local district office a description of all course offerings that may comply with the requirements of the law. A course will be accepted as meeting the graduation requirements set forth in subsection (g), provided that its description shows that its principal instructional activity is the development and application of knowledge and skills related to the applicable requirement.
- i) It is the responsibility of the school district's administration to provide parents and guardians timely and periodic information concerning graduation requirements for all students, particularly in cases where a student's eligibility for graduation may be in question.

- j) AGENCY-NGIE: Additional requirements for graduation may be adopted by local boards of education. Boards of education may accept courses completed in a community college toward graduation.

(Source: Amended at Ill. Reg. _____, effective _____)

SUBPART F: STAFF CERTIFICATION REQUIREMENTS

Section 1.630 Noncertificated Personnel

- a) School boards may employ nonteaching personnel or use volunteer personnel for nonteaching duties not requiring instructional judgment or evaluation of pupils (The School Code, Sections 10-22.34 and 34-18(9)).
- b) Teacher Aides
- 1) School boards may further utilize volunteer noncertificated personnel or employ noncertificated personnel to assist in the instruction of pupils under the immediate supervision of a teacher holding a valid certificate, directly engaged in teaching subject matter or conducting activities (The School Code, Section 10-22.34 and 34-18(9)).
- 2) Teacher aides--~~except in school districts over 500,000~~, shall hold an approval form issued by the State Teacher Certification Board. Approval is based upon 30 semester hours of college training or completion of an approved Teacher Aide Program as stated in 23 Ill. Adm. Code 25-(Certification) of teachers.

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- c) School boards may designate noncertificated persons of good character to serve as supervisors, chaperones or sponsors, either on a voluntary or on a compensated basis for school activities not connected with the academic program of the schools (The School Code, Section 10-22.34a).
- d) School boards may utilize noncertificated persons, under the direction of a certified teacher, for providing specialized instruction related to a course assigned to the certified teacher on a regular basis, not otherwise readily available in the immediate school environment, in the fields for which they are particularly qualified or skilled (The School Code, Section 10-22.34b).
- e) Needed and necessary noncertificated personnel in special education programs under contract to the local board of education shall be governed by 23 Ill. Adm. Code 226-(Special Education).

(Source: Amended at Ill. Reg. _____, effective _____)

Section 1.640 Requirements for Different Certificates

Requirements for the different types of certificates may be secured from the regional superintendents or the State Teacher Certification Board, 100 North First Street, Springfield, Illinois 62777-0001. ~~Individuals interested in elementary and secondary education positions in Chicago should contact the Chicago Board of Education, 228 North LaSalle Street, Chicago, Illinois 60601.~~

(Source: Amended at Ill. Reg. _____, effective _____)

SUBPART G: STAFF QUALIFICATIONS

Section 1.730 Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades Six (6) and Above

- a) Agriculture

The requirements set forth in this subsection (a) shall remain in force through June 30, 1991. Thereafter, the requirements set forth in Section 1.735(a) shall take effect.

- 1) 24 hours in the field, including an appropriate distribution in the following areas, plus preparation in the specific course taught.

- A) Agricultural Production
B) Agricultural Mechanics

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- C) Agricultural Supplies, Services and Products
- D) Horticulture
- E) Agricultural Resources and Forestry

2) If special courses are taught in this field, 8 semester hours are required for each course taught.

b) Art

24 semester hours in the field, including an appropriate distribution in:

- 1) Painting, drawing, printmaking
- 2) Sketching, lettering, jewelry, design, silkscreen
- 3) Pottery and sculpture
- 4) Constructional design
- 5) Art education
- 6) History and appreciation of art

c) Aviation-Aerospace Education

1) General Aviation and/or Aerospace Education

A) Completion of an approved aerospace education workshop course. 5 hours of flight orientation or familiarization within the last five years. This flight experience does not necessarily need to be as a member of a flight crew.

B) If the material that is being taught is strictly sociological in nature, the flight orientation requirement may be minimal. If the material that is being taught emphasizes astrosceince, the teacher should have at least one college course in astronomy.

2) Aviation Science Course

A) (Based upon a preflight course leading to completion of the FAA private pilot's written examination.)

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- B) A valid FAA private pilot's license or higher, or a valid FAA ground school instructor's certificate and 10 hours of flight orientation or familiarization in the general aviation category aircraft within the last five years. This flight experience does not necessarily need to be as a member of a flight crew.

d) Business Education

The requirements set forth in this subsection (d) shall remain in force through June 30, 1991. Thereafter, the requirements set forth in Section 1.735(b) shall take effect.

24 semester hours in the field, which shall include a specialized methods course with the following minimum qualifications for the subject matter areas or course taught:

1) Typing

6 semester hours, or a statement of equivalency from the institution granting the degree, or the completion of the terminal course in the typewriting sequence.

2) Shorthand and Transcription

6 semester hours, or a statement of equivalency from the institution granting the degree, or the completion of the terminal course in the shorthand-transcription sequence.

3) Bookkeeping, accounting, record keeping

6 semester hours in accounting and a course in data processing, or a statement of equivalency from the institution granting the degree.

4) Business law

3 semester hours of business law.

5) Distributive subjects; i.e. marketing, retailing, distributive education

8 semester hours covering at least two of the following: sales, retailing, advertising, principles of marketing.

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- 6) Business arithmetic
- 2 semester hours in business mathematics or 6 semester hours in accounting.
- 7) Office practice, secretarial practice, clerical practice, or office machines
- 2 semester hours in coursework which includes the operation of the office machines taught in the secondary school course and qualifications for teaching whichever of the following is part of the course: typewriting, shorthand, bookkeeping (see subsections (d) (1), (2), and (3) above).
- 8) Basic business, general business, introduction to business, business principles
- 3 semester hours of consumer education; 3 semester hours of economics and at least 4 semester hours in any two of the following areas: business law, introduction to business marketing, management, or a methods of teaching basic business.
- 9) Business English
- 2 semester hours in business English, business correspondence, business communications, or business writing.
- 10) Business economics
- 8 semester hours in the area of economics, finance, financial management, or marketing, including at least one course in principles of economics.
- 11) Data processing
- 5 semester hours in data processing or the equivalent.
- e) Language Arts--English
- 24 semester hours in the field, including 6 semester hours in rhetoric and composition and not more than 8 semester hours in speech and journalism. To teach grammar, American Literature, English Literature, reading or dramatics, the English teacher must have one course in the subject.
- f) Journalism

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- 8 semester hours in Journalism and 16 semester hours in English, or 18 semester hours in Journalism and 6 semester hours in rhetoric and composition.
- g) Speech
- 8 semester hours in speech selected from at least three of the following four areas: public speaking, interpersonal communication, oral interpretation, and group discussion; and 16 semester hours in English or 18 semester hours in speech, selected from the four areas listed above, and 6 semester hours in rhetoric and composition.
- h) Foreign Language
- 20 semester hours in the language.
- AGENCY-NOTE: No credit may be allowed for high school language, unless such credit is approved by an institution of higher learning, and it is noted on the official transcript; in which case 1 semester hour may be allowed for each unit of high school language, not to exceed 4 semester hours.
- i) Health Education
- 1) 20 semester hours in the field
- 2) Required Health Education Component -- One course from each of the following areas to total 10-14 semester hours:
- A) Advanced Concepts of Health
- B) Programs in School Health
- C) Programs in Community Health
- D) Curriculum Development and Evaluation in Health Education
- 3) Additional Health Education Components-- One course from at least three of the following areas to total 6-10 semester hours:
- A) The Growing and Developing Organism
- B) Ecological Relationships
- C) Disease Control
- D) Human Sexuality and Family Life

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- E) Food Practices and Eating Patterns
- F) Consumer Health Sources and Resources

G) Safety

H) Mood-Modifying Substances

I) Personal Health Practices

J) Mental-Emotional Health

j) Health Occupations

The requirements set forth in this subsection (j) shall remain in force through June 30, 1991. Thereafter, the requirements set forth in Section 1.735(c) shall take effect.

- 1) 24 semester hours in a health occupations specialty (e.g. medical laboratory, nursing, radiologic technology, inhalation therapy)
- 2) Graduation from an approved technical-level program in a specific health field with a minimum of 2,000 hours of post-graduate practical work experience in the health specialty in which trained.

3) AGENCY-NOTE: Shall be certified, licensed or registered in the health occupations specialty.

k) Home Economics Education

The requirements set forth in this subsection (k) shall remain in force through June 30, 1991. Thereafter, the requirements set forth in Section 1.735(d) shall take effect.

- 1) 24 semester hours in the field, including work in some of the following areas, plus preparation in the specific teaching area.
 - A) Human Development (includes prenatal, child, adolescent and adult development and care)
 - B) Interpersonal and Family Relationships
 - C) Consumer Education and Home Management
 - D) Nutrition and Food

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- E) Housing, Home Furnishings and Equipment
- F) Clothing and Textiles

2) To teach a special course in any of the above areas, 8 semester hours are required in the area to be taught.

l) Industrial Arts

The requirements set forth in this subsection (l) shall remain in force through June 30, 1991. Thereafter, the requirements set forth in Section 1.735(e) shall take effect.

- 1) 24 semester hours in the field, including work in each shop subject to be taught.
- 2) To teach a unit shop, the teacher shall have 8 semester hours in the subject taught.

m) Mathematics

1) In grades 9-12

25 semester hours in the field, including:

- A) a minimum of 8 semester hours from calculus,
- B) 3 semester hours of coursework in the teaching of secondary school mathematics; and
- C) 14 semester hours of work from at least four of the following areas:
 - i) Computer Science
 - ii) Linear Algebra
 - iii) Modern Algebra
 - iv) Geometry
 - v) Applied mathematics
 - vi) Probability and statistics
 - vii) History of mathematics

2) In grades 6-8

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18 semester hours in the field including:

- A) 3 semester hours in the methods of teaching mathematics in grades 6-8
- B) 15 semester hours to be selected from four of the following areas:
 - i) Math content courses for elementary teachers
 - ii) Calculus
 - iii) Modern algebra or number theory
 - iv) Geometry
 - v) Computer Science
 - vi) Probability and statistics
 - vii) History of mathematics

3) The requirements of Section 1.730 (m) are not applicable to personnel employed prior to September 1, 1985.

n) Music

1) Vocal

24 semester hours in the field, including:

- A) Applied vocal music
- B) Music theory
- C) Conducting
- D) History of music
- E) Methods and materials for general school vocal music

2) Music--Instrumental

24 semester hours in the field, including:

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- A) Applied instrumental music
 - B) Music theory
 - C) Conducting
 - D) Methods and materials for general school instrumental music
- 3) ~~AGENCY-NOTE:~~ These standards do not apply to those individuals employed prior to September 1, 1978.

o) Physical Education

- 1) 20 semester hours in the field which shall include the following:

A) 5 semester hours to be selected from at least two of these areas:

- i) Anatomy
- ii) Physiology
- iii) Kinesiology
- iv) Physiology of exercise

B) One course from each of the three areas below to total 5 semester hours:

- i) Dance and/or rhythmic activities
- ii) Individual-dual activities
- iii) Team sports

C) 10 semester hours to be selected from at least three of the four areas listed below:

- i) Instructional methods for physical education
- ii) Curriculum design for physical education
- iii) Physical Education for the atypical child (optional, but strongly recommended)
- iv) Physical education for the elementary school (required for elementary school; optional, but strongly recommended for secondary school)

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- 2) This standard does not apply to those individuals employed prior to September 1, 1978.
- p) Psychology--20 semester hours in the field
- q) Safety and Driver Education--16 semester hours in the field, including preparation as follows:
- 1) 3 semester hours in general safety
 - 2) 5 semester hours in driver education and advanced traffic safety
 - 3) 8 semester hours chosen from two or more of the following areas:
 - A) General safety, including traffic and industrial safety
 - B) Advanced psychology and sociology
 - C) First aid and health education
 - D) Instructional materials
 - 4) Teachers assigned to either simulation or multiple-car programs shall have preparation in the use of these methods which shall consist of a minimum of 1 semester hour or its equivalent in each area.
 - r) Science, Biological--24 semester hours in the field, including the semester hours indicated in the subject to be taught

1) Biology

8 semester hours in botany including 5 semester hours in laboratory work, 8 semester hours in zoology including 5 semester hours in laboratory work.

AGENCY-NOTE: 10 semester hours laboratory work in biology satisfies the laboratory requirement.

2) Botany

8 semester hours including 5 semester hours in laboratory work.

3) Physiology

8 semester hours

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- 4) Zoology
- 8 semester hours in zoology including 5 semester hours in laboratory work.
- s) Science, Physical--24 semester hours in the field, including the semester hours indicated in the subject to be taught:
- 1) Astronomy--5 semester hours
 - 2) Chemistry--10 semester hours including 4 semester hours in laboratory work
 - 3) Geology--8 semester hours
 - 4) Physics--10 semester hours including 4 semester hours in laboratory work
 - 5) Physiography--5 semester hours
 - 6) Aerospace--5 semester hours
 - 7) Earth science--8 semester hours
- 8) AGENCY-NOTE: In astronomy, geology, and earth science, it is recommended that field experiences be included as part of the hourly requirements. In addition, it is recommended that a teacher of astronomy, chemistry, or physics have the minimum preparation required of a mathematics teacher.
- t) Science, General--24 semester hours in the field including:
- 1) Physical science--8 semester hours
 - 2) Biological science--8 semester hours
- u) Social Studies--24 semester hours in the field, including the semester hours indicated in each subject to be taught:
- 1) United States History--8 semester hours
 - 2) Civics, Political Science--8 semester hours
 - 3) Economics--8 semester hours
 - 4) Geography--8 semester hours

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- 5) Sociology--8 semester hours
- 6) World History--8 semester hours in World History, 5 semester hours in U.S. History
- 7) Anthropology--5 semester hours
- 8) AGENCY-NOTE: Every history teacher shall have 16 semester hours in history.

v) Vocational Education (Reimbursable Training Programs)--All instructional personnel and coordinators shall hold a valid teaching certificate. The requirements set forth in this subsection (v) shall remain in force through June 30, 1991. Thereafter, the requirements set forth in Section 1.735(f) shall take effect.

1) Instructional Personnel--The requirements for instructional personnel in reimbursable programs in the five areas of Industrial-Oriented, Applied Biological and Agricultural, Home Economics, Health Occupations, and Business, Marketing and Management are:

- A) A minimum of 2,000 hours of employment experiences in the occupational specialty to be taught.
- B) The district may employ an individual who does not meet the provisions of subsection (v) (1) ~~4a~~ (A), providing the employment experience requirement will be met within four (4) years from the date of employment by: 2,000 hours of employment experience in the occupational specialty to be taught or a combination of work experience and directed occupational experience. Options of this paragraph must be submitted in detail in the district's One and Five Year Plan for occupational education and are subject to approval.
- C) For those occupations in which employment or preparation is regulated by law or licensure, compliance with those laws is mandated.

2) Cooperative Teacher Coordinator

Professional competencies for specialized cooperative occupational education:

A) Occupational Education

Teacher-coordinators of specialized cooperative education in any one of the following areas:

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- i) Agriculture and Agri-Business
- ii) Business and Office
- iii) Distributive Education
- iv) Health Occupations
- v) Home Economics and Related Occupations
- vi) Industrial Oriented Occupations Cooperative Work Training

B) To be approved, an individual shall possess 16 semester hours in the field, which shall include a methods course in the occupational specialized area; in addition, 6 semester hours in the area of organization and administration of cooperative occupational education, coordination in techniques, and individualized instructional methodology. In addition, the coordinator shall possess a minimum of: 2,000 hours of employment experience in the occupational specialty to be taught, or complete a directed occupational experience in the appropriate specialized area, equivalent to the 2,000 hour employment requirement, or complete a combination of employment experience and directed occupational experience equivalent to the 2,000 hour employment experience requirement within four (4) years from date of initial employment as a coordinator. The latter two of these three options shall be submitted in detail in the district's One and Five Year Plan for occupational education and are subject to approval.

3) Special Needs Cooperative Teacher Coordinator

In schools with cooperative courses to serve students with special needs, such as Work Experience and Career Exploration Program, the coordinator shall meet the requirements for specialized cooperative occupational education coordinators as shown in subsection (v)(2) (except that the 16 semester hours in occupational education shall be waived).

4) Interrelated Cooperative Occupational Teacher Coordinator

Coordinators of interrelated cooperative education shall meet certification standards in at least one of the occupation areas listed above and meet the requirement of subsection (v)(2).

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- 5) Compliance with Legal, Governmental and Professional Requirements

For those occupations in which employment or preparation is regulated by law or licensure, compliance with those laws is required.

- 6) ~~AGENCY-NOTE:~~ The requirements of subsection (v) are not applicable to personnel employed prior to September 1, 1978.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 1.735 Requirements to Take Effect on July 1, 1991

The requirements of this Section shall apply only to personnel employed on or after July 1, 1991. For the purposes of this Section, the term "upper-division level" refers to coursework normally offered to students by postsecondary educational institutions during their junior or senior year. The term "preparation level" means courses usually taught during the junior or senior year of high school.

a) Agricultural Education

- 1) Twenty-four (24) semester hours, to include:

A) A vocational/occupational education methods course at the upper-division level.

B) Twelve (12) semester hours, including at least one course in each of the following areas:

i) Agricultural Exploration/Orientation - agricultural careers, supervised occupational experience programs, adult education in agriculture, agricultural leadership;

ii) Agricultural Entrepreneurship - agricultural merchandising, agricultural business procedures, agricultural economics, computer applications in agriculture;

iii) Agricultural Natural Sciences - animal science, plant science, soil science;

iv) Agricultural Physical Science/Mechanization - servicing small engines, surveying, electrical wiring, building agricultural structures.

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- C) A minimum of one concentration (9 semester hours in addition to the 12 semester hours listed in subsection (a)(1)(B)) in one of the following endorsement areas:

i) Agricultural Business and Management - agricultural commodity and product marketing, financing agricultural businesses, agricultural business management, computerization in agriculture, producing, processing, promoting and selling agricultural products;

ii) Agricultural Power and Machinery - gasoline and diesel power units, field machinery, electric motors and controls, hydraulic systems, power transmission systems;

iii) Horticulture - floriculture, vegetable and fruit production, landscaping and turf management, nursery and greenhouse operation and management; or

iv) Agricultural Resources - agricultural conservation, recreation management, forestry production and management, game and wildlife management.

2) To provide instruction at the preparation level, teachers must hold an endorsement that corresponds to their area of instruction.

3) In vocational education reimbursable programs, instructors teaching preparation-level courses must have a total of 2,000 hours of work experience in the agriculture field with a minimum of 250 hours of work experience in the specific endorsement area being taught. Records must be kept by the employing institution to substantiate this experience. Such records may include written statements from supervisors at places of employment who can be reached for verification of the documentation submitted, or, in cases where supervisors are no longer available to verify the employment, affidavits by applicants' instructors stating the facts concerning the work experience in question.

b) Business, Marketing, and Management

1) Twenty-four (24) semester hours, to include:

A) A vocational/occupational education methods course at the upper-division level.

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B) Twelve (12) semester hours, including at least one course in each of the following areas:

- i) Business Exploration/Orientation - business management, survey of business, business and its environment, business principles;
- ii) Business Computer Applications - microcomputer applications, data processing, management information systems, introduction to data processing/computers;
- iii) Business Communications - business English, business communications, business report writing, business correspondence;
- iv) Business Mathematics - quantitative methods of business, finance, mathematics for business, statistics or one (1) year of college mathematics.

C) A minimum of one concentration (9 semester hours in addition to the 12 semester hours listed in subsection (b)(1)(B)) in one of the following endorsement areas:

- i) Accounting - accounting, financial accounting, managerial accounting, or finance, with one course in the upper division;
- ii) Basic Business - economics, survey of business, business law, entrepreneurship, consumer education or upper division course(s) in management and/or marketing;
- iii) Information Processing - microcomputer applications, introduction to computers, including the terminal course in the word processing and/or typewriting sequence, and one upper-division course in office administration/information management;
- iv) Information Processing/Secretarial - microcomputer applications, introduction to computers including one upper-division course in office administration/information management, the terminal course in the word processing and/or typewriting sequence and the terminal course in a shorthand system;

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- v) Business Computer Programming/Systems - business computer programming, microcomputer applications, systems analysis, including one upper-division management information system (MIS), systems analysis, or business computer programming course; or
- vi) Marketing - upper-division courses in advertising, sales, retailing, marketing, wholesaling, consumer behavior, entrepreneurship.
- 2) Business, Marketing and Management teachers who hold a Business, Marketing and Management endorsement may teach an orientation/exploratory composite course which addresses a variety of subject areas in Business, Marketing and Management Occupations. To provide instruction in a specific subject, teachers must hold the endorsement that corresponds to the area of instruction, as identified in subsection (b)(1)(C).
- 3) In vocational education reimbursable programs, instructors teaching preparation-level courses must have a total of 2,000 hours of work experience in the business/marketing/management field with a minimum of 250 hours of work experience in each specific endorsement area being taught. Records must be kept by the employing institution to substantiate this experience. Such records may include written statements from supervisors at places of employment who can be reached for verification of the documentation submitted, or, in cases where supervisors are no longer available to verify the employment, affidavits by applicants' instructors stating the facts concerning the work experience in question.
- c) Health Occupations
 - 20) Twenty-four (24) semester hours, to include:
 - 1) A vocational/occupational education methods course at the upper-division level.
 - 2) Twelve (12) semester hours, including at least one course in each of the following areas:
 - A) Introduction to Health Occupations - introduction to various health professions, education requirements, licensure/registration/certification, career mobility, job market, technologies and other information;

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- B) Principles and Philosophies of Vocational Education - nature and purpose of vocational, occupational and career education, their relationships and differences, and the place of each in preparing for the world of work;
- C) Occupational Analysis and Curriculum Development - upper-division course in a systems approach to curriculum development and instruction methods utilized in vocational and occupational education. Includes analyzing operations and jobs, specifying objectives, and developing curriculum;
- D) Occupational Internship - upper-division course(s) of experiential activities which are based upon required occupational skills and knowledge and are related to health occupations.
- 3) Endorsement
- A) In addition to the 12 semester hours listed in subsection (c)(2), licensure, registration or certification is required in one health occupations specialty, e.g., respiratory therapy, radiology, medical records technology, medical assisting, nursing or other health occupation.
- B) In vocational education reimbursable programs, instructors teaching preparation-level courses must have a total of 2,000 hours of work experience in the Health Occupation field with a minimum of 250 hours of work experience in the specific endorsement area being taught. Records must be kept by the employing institution to substantiate this experience. Such records may include written statements from supervisors at places of employment who can be reached for verification of the documentation submitted, or, in cases where supervisors are no longer available to verify the employment, affidavits by applicants' instructors stating the facts concerning the work experience in question.
- d) Home Economics
- 1) Twenty-four (24) semester hours, to include:
- A) A vocational/occupational education methods course at the upper-division level.
- B) Twelve (12) semester hours, to include one course in four of the six following areas:

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- i) Human Development, Child Development - human, prenatal, child, adolescent growth and development and care, adult care, gerontology, administration of child care programs, instructional activities and materials for preschoolers;
- ii) Interpersonal and Family Relationships and Parenting - interpersonal and family relationships, family life, adult living, family dynamics, parenting, human relationships;
- iii) Consumer and Resource Management - family finance, consumer education, consumer economics, consumer management, resource management, home management;
- iv) Housing, Interior Furnishings, Living Environments - home furnishings, interior design, household equipment, basic design, living environments, housing;
- v) Food and Nutrition, Food Service, Hospitality - foods and nutrition, food preparation, quantity food preparation, food sanitation, hospitality management, food management, therapeutic nutrition;
- vi) Clothing, Textiles, Fashion - clothing selection, clothing construction, costume design, history of fashion, apparel merchandising, textiles selection.
- C) A minimum of one concentration (9 semester hours in addition to the 12 hours listed in subsection (d)(1)(B)) in the endorsement areas of:
- i) Child and Day Care Services - 9 semester hours, to include 6 from subsection (d)(1)(B)(1) and 3 from subsection (d)(1)(B)(ii);
- ii) Food and Nutrition Services - 9 semester hours from subsection (d)(1)(B)(v);
- iii) Fashion and Clothing Services - 9 semester hours from subsection (d)(1)(B)(vi);
- iv) Interior Furnishings Services/Living Environments - 9 semester hours, to include 6 from subsection (d)(1)(B)(iv) and 3 from subsection(s) (d)(1)(B)(iii) and/or (vi);

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v) Institutional and Home Management Services - 9 semester hours, including one course from four of the areas listed in subsections (d)(1)(B)(i) - (v);

vi) Consumer Education and Resource Management - 9 semester hours, to include 6 from subsection (d)(1)(B)(iii) and the remainder from subsection (d)(1)(B)(1), (ii), (iv), (v), or (vi); or

vii) Interpersonal, Family Relationships, Parenting - 9 semester hours, to include 6 from subsection (d)(1)(B)(ii) and 3 from subsection (d)(1)(B)(i).

2) Home Economics teachers who hold a Home Economics endorsement may teach an orientation/exploratory composite course which addresses a variety of subject areas in Home Economics Occupations. To provide instruction in a specific subject, teachers must hold the endorsement that corresponds to the area of instruction, as identified in subsection (d)(1)(C).

3) In vocational education reimbursable programs, instructors teaching preparation-level courses must have a total of 2,000 hours of work experience in the Home Economics field with a minimum of 250 hours of work experience in each specific endorsement area being taught. Records must be kept by the employing institution to substantiate this experience. Such records may include written statements from supervisors at places of employment who can be reached for verification of the documentation submitted, or, in cases where supervisors are no longer available to verify the employment, affidavits by applicants' instructors stating the facts concerning the work experience in question.

e) Industrial Technology Education

1) Twenty-four (24) semester hours, to include:

A) A vocational/occupational education methods course at the upper-division level.

B) Twelve (12) semester hours of laboratory-based courses in industrial technology, including at least one course in each of the following content areas:

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i) Communication Technology - design and drafting, broadcasting, computers in communication, photography, graphic arts, telecommunications;

ii) Production Technology - managing the enterprise, materials and processes, research and development, producing, marketing, servicing in the manufacturing/construction enterprise;

iii) Transportation Technology - material handling conveyors, space transportation, atmospheric transportation, marine transportation, terrestrial transportation;

iv) Energy Utilization Technology - energy conversion, solar resources, wind and water resources, fossil fuels, nuclear energy resources, energy conservation.

C) A minimum of one concentration (9 semester hours of laboratory-based courses in addition to the 12 semester hours listed in subsection (e)(1)(B)) in one of the following endorsement areas:

1) Construction - carpentry, building maintenance, residential and commercial, electricity, painting, plumbing, cement and brick masonry, drywall application and roofing;

ii) Electronics - computer repair, radio and television repair, small appliance repair, electrical and electronic instrument repair, electromedical equipment repair, communication equipment installation and repair;

iii) Graphic Communications - press operation, composition and typesetting, commercial art, lithographic press operation, platemaking, photography, printing camera operation;

iv) Transportation - small gasoline engine repair, aircraft mechanical systems repair, automobile engine repair, diesel engine repair, automobile and truck mechanical systems repair, motor vehicle repair;

v) Manufacturing - machine tool operation, tool and die making, sheet metal fabrication, welding and metal fabrication, production cabinet making,

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plastics-forming and fabrication, machinery maintenance, automated manufacturing equipment set-up and maintenance, numerical control machine operation, computer numerical control machine operation.

vi) Industrial Technology - mechanical systems, hydraulic systems, pneumatic systems, thermal systems, electrical systems, communication systems, transportation systems, production systems, energy and power utilization;

vii) Public Service - fire-fighting technology, police science, criminal justice technology, security services;

viii) Drafting/Design - architectural drafting, mechanical drafting, civil drafting, computer-aided drafting and design, geometric construction, industrial design;

ix) Autobody Repair - frame inspection and alignment, body and fender repair, glass installation, vinyl top repair, automotive painting; or

x) Heating, Ventilation and Air Conditioning - installation and repair of heating, air conditioning and ventilation systems, installation and repair of refrigeration and air conditioning systems.

2) To provide instruction at the preparation level, teachers must hold an endorsement that corresponds to their area of instruction.

3) In vocational education reimbursable programs, instructors teaching preparation-level courses must have a total of 2,000 hours of work experience in the Industrial Technology field with a minimum of 250 hours of work experience in each specific endorsement area being taught. Records must be kept by the employing institution to substantiate this experience. Such records may include written statements from supervisors at places of employment who can be reached for verification of the documentation submitted, or, in cases where supervisors are no longer available to verify the employment, affidavits by applicants' instructors stating the facts concerning the work experience in question.

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f) Vocational Education Teachers (Reimbursable Training Programs)

The requirements for instructional personnel to teach in reimbursable programs in Agricultural Education; Business, Marketing and Management; Health Occupations; Home Economics Occupations; and Industrial Technology Education are:

1) Instructors must meet the certification standards in one of the above occupational areas and possess a valid teaching certificate.

2) Instructors teaching preparation-level courses must have a minimum of 2,000 hours of work experience in the area to be taught or, if teaching in more than one endorsement area, a portion of the total 2,000 hours in each endorsement area being taught. Records must be kept by the employing institution to substantiate this experience. Such records may include written statements from supervisors at places of employment who can be reached for verification of the documentation submitted, or, in cases where supervisors are no longer available to verify the employment, affidavits by applicants' instructors stating the facts concerning the work experience in question.

3) A district may employ an individual who does not have 2,000 hours of employment experience in the occupational specialty to be taught, provided that the employment experience requirement will be met within four (4) years from the date of employment by either 2,000 hours of employment experience in the occupational specialty to be taught or a combination of work experience and directed occupational experience. A directed occupational experience means: 1) a combination of work experience and a university credit-generating course specifically designed to supervise the work experience equal to one-half of the required 2,000 hours, or 2) participation in a work experience with supervision similar to that provided through a university course setting provided by a local agency administrator equal to one-half of the required 2,000 hours. Options chosen pursuant to this subsection must be described in detail in the Regional Education for Employment Plan and will be approved, if:

A) The work experience is a paid employment experience; and

B) The work experience is outside of the education or teaching profession.

4) 2) Cooperative Teacher Coordinator

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A) The requirements for teacher-coordinators of specialized cooperative education in Agricultural Education; Business, Marketing and Management; Health Occupations; Home Economics Occupations; and Industrial Technology Education include:

- i) Twenty-four (24) semester hours in the specialty area, which shall include a methods course, six (6) semester hours in the area of organization and administration of cooperative education; and
 - ii) A minimum of 2,000 hours of employment experience in the occupational specialty to be taught; or
 - iii) Completion of a directed occupational experience in the appropriate specialized area, equivalent to the 2,000-hour employment requirement; or
 - iv) Completion of a combination of employment experience and directed occupational experience equivalent to the 2,000-hour employment experience requirement within four (4) years from the date of initial employment as a coordinator.
- B) Options chosen pursuant to subsections (f)(4)(A)(iii) and (iv) shall be described in detail in the district's Regional Education for Employment Plan and will be approved, if:

- i) The work experience is a paid employment experience; and
- ii) The work experience is outside of the education or teaching profession.

5) 3) Special Vocational Teacher Coordinator

In schools with cooperative courses to serve students with special needs, such as the Work Experience and Career Exploration Program, Early School Leaver Program, and vocationally reimbursed Special Education Cooperative Education, the coordinator shall meet the requirements for specialized cooperative occupational education coordinators as shown in subsection (f)(4). The coordinator shall possess six (6) semester hours in the area of organization and administration of cooperative education.

6) 4) Interrelated Cooperative Occupational Teacher Coordinator and Cooperative Work Training (CWT) Teacher Coordinator

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Coordinators of interrelated cooperative education and cooperative work training shall meet certification standards in at least one of the specialty areas listed in subsection (f)(4)(A) and shall meet the requirements for a Cooperative Teacher Coordinator.

7) 5) Compliance with Legal, Governmental and Professional Requirements

For those occupations in which employment or preparation is regulated by law or licensure, compliance with those laws is required.

(Source: Added at Ill. Reg. _____, effective _____)

Section 1-7 Appendix A Professional Staff Certification

AGENCY NOTE:--Does not apply to districts of over 500,000.

Types of Certificates

The following list of certificates identifies those certificates which, if properly registered and renewed, are valid for teaching, administering or performing the specified service in Illinois public schools. Questions about the validity of certificates should first be referred to the Regional Superintendent of schools. The State Teacher Certification Board will additionally also answer questions on a certificate's validity.

Code	Type of Certificate	Grade Level Valid For	Still Issued	Years Valid	School Code
02	Early Childhood	to age 6 excluding Kdg.	Yes No	4	21-2.1
03	Standard Elementary	K-9	Yes	4	21-3
04	Early Childhood	Birth - 3	Yes	4	21-2.1
05	Provisional Early Childhood	Birth - 3	Yes	2	21-10
06	Kindergarten-Primary	K-3	No	4	
09	Standard High School	6-12 *	Yes	4	21-5
10	Standard Special	K-12 Field Endorsed	Yes	4	21-4
11	Vocational	7-12 Field Endorsed	No	4	
14	Junior College	9-14 Field Endorsed	No	4	

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17	Special Exc. Children	K-14	Field	No					
20	Special	11-12	Electives	No	4				
21	General	Adult	Field	Yes		21-11			
29	Transitional Bilingual	K-12	Language	Yes	6	14C-8			
30	Provisional Elementary	K-9		**Yes	2	21-10			
31	Provisional H.S.	6-12	*	**Yes	2	21-10			
32	Provisional Foreign Lang.	K-14	Language	No	4				
33	Provisional Special	K-12	Field	**Yes	2	21-10			
34	Provisional Vocational	K-12	Field	Yes		21-10			
37	Temp. Prov. Vocational	K-12	Field	Yes	1	21-10			
39	Substitute-90 days	K-12	All	Yes	4	21-9	School Code		
Code Type of Certificate Valid For Still Issued Years Valid									
42	Life Elementary	1-8		No	Life				
45	Life Kindergarten	K-3		No	Life				
47	Life High School	6-12	*	No	Life				
48	Life Special	K-14	Field	No	Life				
49	Life Junior College	9-14	Endorsed	No	Life				
50	Life School Librarian	K-14	Library	No	Life				
60	Ltd. Supervisory	K-14	All	***No	4				
61	All-Grade Supervisory	K-14	All	***No	4				
62	Ltd. Elem. Supervisory	K-9	All	***No	4				
63	Ltd. H.S. Supervisory	6-12	Elementary	***No	4				
70	Life General Supervisory	K-14	All	***No	Life				
71	Life Supervisory	K-14	All	***No	Life				
72	Temporary TMH	K-12	TMH	No	1				
73	School Service Personnel	K-12	Area of Service	Yes	4	21-25			
74	Provisional School Service Personnel	K-12	Area of Service	Yes	2	21-10			
75	Administrative	K-12	All	***Yes	4	21-7.1			
76	Provisional Administrative	K-12	All	Yes	2	21-10			

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*The High School Certificate is valid for teaching subjects for which the individual meets recognition requirements, Subpart G, as identified on the individual's transcript as credit in the area.

**A Provisional Certificate may be issued to a person who meets the requirements for a regular teaching certificate in another state and who presents certified evidence of having earned a bachelor's degree from a recognized teacher training institution. The academic and professional courses offered as a basis of the Provisional Certificate shall be courses approved by the State Superintendent of Education in consultation with the State Teacher Certification Board. A certificate earned under this plan is valid for a period of two years and shall not be renewed.

***Valid for teaching subjects for which the individual meets recognition requirements, Subpart G, as identified on the individual's transcript as credit in the area.

(Source: Amended at Ill. Reg. ____, effective ____)

Section-- Appendix B Certification Quick Reference Chart
AGENCY-NOTE:--Does-not-apply-to-districts-of-over-500-000--

Questions concerning the appropriateness of certificates required for specific positions depend upon the job description of the position and should be referred to the Public School Approval Section, State Board of Education.

For This Position	These Types of Certificates Are Valid (Codes)	Certificate No Longer Issued But Still Valid If Properly Registered
Teachers	Certificate Currently Being Issued	
Teacher Up To 6 Years, Exclusive Of Children Enrolled in Kindergarten Teacher K-5	02 04, 05	02
Teacher 6-9	03, 10*, 29*, 30, 33*, 34*, 75	06(K-3), 32*, 42, 45(K-3), 48*, 60, 61, 62, 70, 71
Teacher 9-12	03, 09, 10*, 29*, 30, 31, 33*, 34*, 75	11*, 32*, 47*, 48*, 60, 61, 62, 63, 70, 71
	09, 10*, 29*, 31, 33*, 34*, 75	11*, 14*, 32*, 47*, 48*, 49*, 60, 61, 63, 70, 71

Special Subject Teacher (Art, Music, P.E., Sci., etc.) K-9 03, 10*, 29*, 30, 33*, 34*, 75 32*, 42, 48*, 60, 61, 62, 70, 71, 72

Special Subject Teacher (Art, Music, P.E., Sci., etc.) 6-12 09, 10*, 29*, 31, 33*, 34*, 75 11, 32*, 47*, 48*, 60, 61, 63, 70, 71

Administrators Head Of Dept. Or Supervisor Spec. Subject 10**, 75, 73**76 60, 61, 62(K-9), 63(6-12), 70, 71

Supervisor-Spec. Ed.--One Field 10**, 75 or 76(GS,GA or S Endorsement) 60, 61, 70, 71 and approval ***

Supervisor-P.P.S. --One Field 10**, 73**, 75 or 76(GS,GA or S Endorsement) 60, 61, 70, 71

Supervisor-Voc. Ed.--One Field 10**, 75 or 76(GS,GA or S Endorsement) 60, 61, 70, 71

Directors, Coordinators, General Supervisors 75 or 76(GS,GA or S Endorsement) 60, 61, 62(K-9), 63, 70, 71

Director-Spec. Ed.--More Than One Field 75 or 76(GA or S Endorsement) 60, 61, 70, 71, and approval ***

Director-P.P.S.--More Than One Field 75 or 76(GA or S Endorsement) 60, 61, 70, 71

73** endorsed for supervision in multiple fields

For This Position These Types of Certificates Are Valid (Codes) (Most Common)

Director-Voc. Ed.--More Than One Field 75 or 76(GA or S Endorsement) 60, 61, 70, 71

Chief School Business Official Endorsement 75 or 76(C.S.B.O. Endorsement) Individuals serving as C.S.B.O. prior to 7/1/77 may continue in their position 60, 61, 62(K-9), 63(6-12), 70, 71

Principals, Asst. Prin. Administrative Asst., Associate Supt., Asst. Supt. Area Voc. Center Director 75 or 76(GA or S Endorsement)

Superintendent 75 or 76(S Endorsement) 60, 61, 62(K-9), 63(6-12), 70, 71

School Service Personnel Guidance Nurse Social Worker School Psychologist 73₊ 74 73₊ 74 73₊ 74 73₊ 74 10 10 10

*Subject named only

**Endorsed for Supervision

***Additional work and course requirements must be completed under the Special Education Reimbursement Approval requirements of the Department of Specialized Educational Services in order to qualify for special education personnel reimbursement.

(Source: Amended at Ill. Reg. _____, effective _____)

ILLINOIS CONSORTIUM FOR EDUCATIONAL OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Illinois Consortium for Educational Opportunity Program

2) Code Citation: 23 Ill. Adm. Code 2400

3) Section Numbers: 2400.30
Action:
Amendment

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 144, pars. 2301 et seq.

5) A Complete Description of the Subjects and Issues Involved: The proposed amendments define "above average academic ability." These criteria are proposed in response to recommendations from the Joint Committee on Administrative Rules. The proposed amendments also add conditions to maintain eligibility for the program.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference? No.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments will be accepted up to 45 days from the date of publication of this notice and should be addressed to:

Charles Morris
Illinois Consortium for Educational Opportunity
c/o Illinois Board of Higher Education
500 Retsch Building
4 West Old Capitol Square
Springfield, Illinois 62701

12) Initial Regulatory Flexibility Analysis: The proposed amendments affect individual applicants for the financial assistance awards.

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: January 19, 1990

B) Types of small businesses affected: none

C) Reporting, bookkeeping or other procedures required for compliance: none

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D) Types of professional skills necessary for compliance: not applicable

The full text of the Proposed Amendments begins on the next page:

ILLINOIS CONSORTIUM FOR EDUCATIONAL OPPORTUNITY

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XV: ILLINOIS CONSORTIUM FOR EDUCATIONAL OPPORTUNITY

PART 2400

ILLINOIS CONSORTIUM FOR EDUCATIONAL OPPORTUNITY PROGRAM

Section

2400.10 Purpose

2400.20 Definitions

2400.30 ICEOP Program Guidelines

2400.40 Determining and Administering Awards

2400.50 Fulfillment of the Conditions of the Award

2400.60 Application Procedures

AUTHORITY: Implementing and authorized by The Illinois Consortium for Educational Opportunity Act (Ill. Rev. Stat. 1987, ch. 144, pars. 2301 et seq.).

SOURCE: Emergency Rule adopted at 10 Ill. Reg. 13402, effective July 28, 1986 for a maximum of 150 days; adopted at 11 Ill. Reg. 4674, effective March 6, 1987; amended at 14 Ill. Reg. , effective

Section 2400.30 ICEOP Program Guidelines

a) An ICEOP participating institution shall:

- 1) be an institution of higher education as defined in the Act;
- 2) actively recruit students who will be eligible for ICEOP awards and verify to the Consortium Board that applicants for ICEOP financial assistance meet all eligibility requirements;
- 3) maintain records for award recipients including program application materials, contracts and records of award payments;
- 4) provide award recipients with academic and support services, such as mentoring, counseling, and other activities that would enhance the chances for degree completion and success in achieving the goals of the program;
- 5) supervise payment of awards from the funds awarded by the Consortium Board;
- 6) collect, process and forward to the Consortium Board by March 1 of each year all new applications and renewal forms from eligible students; and

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- 7) assist award recipients who complete their program of study in seeking a position in teaching or administration in an Illinois postsecondary educational institution or on an Illinois higher education governing or coordinating board staff.

b) For the applicant student to be eligible to participate in the ICEOP, the student shall establish and the applicable institution shall verify that the student applicant meets the following criteria:

- 1) he or she is an Illinois resident;
- 2) he or she is a member of a racial minority identified in the Act;
- 3) he or she has earned a baccalaureate degree from a postsecondary educational institution;
- 4) he or she has been admitted as a student pursuing a doctoral, master's, or postbaccalaureate professional degree and will pursue this degree objective at least as a half-time student, as defined by the institution;
- 5) he or she signs an agreement to meet the Act's employment conditions if an ICEOP award is accepted;
- 6) his or her financial resources are such that in the absence of a ICEOP grant the individual will be prevented from pursuing a graduate or professional degree at the institution; and
- 7) he or she has above-average academic ability to pursue a graduate or professional degree, as evidenced by ~~admission to a graduate-or-professional-degree-program-at-the-participating institution-the following:~~
 - A) completion of a baccalaureate degree from an accredited institution;
 - B) minimum grade point average of C+ (2.75 on a grade scale of 4.00 = A) in the last 60 hours of undergraduate work; and
 - C) admission to a post-baccalaureate degree program at an ICEOP participating institution.

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- c) In order to maintain eligibility in the program and in order to be considered for subsequent ICEOP grants, an awardee must meet scholastic requirements and eligibility for financial assistance as required by the institution in which she or he is enrolled as an ICEOP participant.

(Source: Amended at 14 Ill. Reg. , effective)

GUARDIANSHIP AND ADVOCACY COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Fee Schedule for the Office of the State Guardian
- 2) Code Citation: 59 Ill. Adm. Code 301
- 3) Section Numbers:

301.10	<u>Proposed Action:</u>
301.20	Amended
301.30	Amended
301.40	Amended
301.50	Amended
301.60	Amended
- 4) Statutory Authority: Implementing and authorized by the Guardianship and Advocacy Act, (Ill. Rev. Stat. 1987, Ch.91 1/2, pars. 701 et seq.), as amended, and Section 27-1 of the Probate Act of 1975, (Ill. Rev. Stat. 1987, ch. 110 1/2, par. 27-1), as amended.
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking represents the culmination of the agency's comprehensive review of the Office of State Guardian (OSG) fee assessment system. Changes have been made to reflect recent statutory changes and to clarify various provisions of the rules. In addition, these amendments update statutory references and make a number of non-substantive changes in the other provisions of the rules. The specific changes in these amendments are described here.

Statutory Changes

Statutory changes included in P.A. 86-448 (SB 1328), effective January 1, 1990, are being implemented in these amendments. The Section 301.40 notice requirement for OSG fee assessment is changed. Under prior law, written notice to the ward was required at the start of guardianship services. As of January 1, 1990, the Act will require notice five days prior to the hearing on the OSG's petition for fees.

Substantive Changes

These amendments improve the OSG's fee assessment and collection procedures. The threshold estate size for imposition of guardianship fees is reduced to \$5,000 and based upon the value of liquid assets rather than the value of the entire estate. Timing of the assessment of initial case-opening fees is changed from the date of the inventory to the date of the OSG's appointment as guardian. Case-opening fees are authorized for all guardianship appointments, even if more than one appointment pertains to the same ward. Annual fees are eliminated. Monthly guardianship services fees are established, based upon the value of the ward's liquid assets. New fees are authorized for guardianship petitioning services and for the sale or management of real or personal

GUARDIANSHIP AND ADVOCACY COMMISSION

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property. Fixed rates are established for case-opening and monthly fees for services as guardian of the person. Separate sliding scale schedules have been established for monthly services as guardian of the estate, guardianship petitioning services, and property sale or management. Sliding scale fees are capped at the top. Fees for the sale or management of property are contingent upon the \$5,000.00 liquid assets threshold. The method for determining the value of assets for fee assessment is left to the sound discretion of the court. Appraisal is not mandated. Protection of wards from hardship caused by OSG fee collection has been strengthened. Waiver or reduction of fees is permitted to avoid unreasonable fee charges, or unreasonable collection costs.

Changes in Section 301.10(a) add an explanation of the abbreviation "GAC" (for "Guardianship and Advocacy Commission"), moved from the definition of "Office of State Guardian" in Section 301.20 of the original text. They also clarify that the OSG serves as guardian only where appointed by the court.

Changes in Section 301.10(b) clarify that fees may be assessed against a ward, as well as a ward's estate. Annual fees are eliminated. Monthly fees are established. Fee collection by the OSG is prohibited where financial hardship would result to ward.

Section 301.20 is amended to add definitions for "case opening," "court," "fee," "financial hardship," "liquid assets," "petitioning," and "property management." The definition of "representative" is eliminated. The definitions of "Commission," "estate," "fee schedules," "guardian," "guardianship services," "notice," "Office of State Guardian," "outside services," and "ward" are clarified. "Estate" is amplified to demonstrate that all assets are included, even where the OSG is not estate guardian. "Fee Schedules" is clarified to demonstrate application to wards, as well as their estates. "Guardian" is amplified to demonstrate that all types of guardianship are included. "Guardianship Services" is amended to clarify that it includes representation of the ward in legal proceedings and procurement of outside services for the ward or the ward's estate. "Ward" is clarified to include "disabled person" as defined in the Probate Act.

Amendments to Section 301.30(a)(1) lower the threshold amount for assessment of case-opening fees from \$15,000.00 total estate value, on the date of the inventory, to \$5,000.00 liquid assets value, on the date of the appointment of OSG as guardian. The schedule for case-opening fees is changed from one sliding scale to three separate fixed rates for guardianship of the person, guardianship of the estate, and both.

Changes to Section 301.30(a)(2) eliminate annual fees and substitute monthly guardianship services fees. A fixed monthly rate is established

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for the OSG's services as guardian of the person. Sliding scale rates between \$50.00 and \$145.00, depending upon the value of the ward's liquid assets, are established for the OSG's services as estate guardian. Where the OSG is guardian of both the person and the estate, the amendments provide that monthly fees shall be assessed for both services.

Section 301.30(a)(3) re-numbered 301.30(a)(5).

New Section 301.30(a)(3) authorizes fees for guardianship petitioning services at sliding scale rates between \$25.00 and \$350.00, depending upon the value of the ward's liquid assets.

Section 301.30(a)(4) re-numbered 301.30(a)(6)

New Section 301.30(a)(4) authorizes fees for the sale or management of real or personal property. If real property is valued at \$1,000.00 or more, and the ward has liquid assets of \$5,000.00 or more, fees for the sale or management of the real property are set at sliding scale rates between \$50.00 and \$500.00. If personal property is valued at \$3,000.00 or more, and the ward has liquid assets of \$5,000.00 or more, fees for the sale or management of the property are set at sliding scale rates between \$25.00 and \$300.00.

Section 301.30(a)(5) is completely re-written. The entire original text is deleted. The deleted text contains provisions for referral of assets other than currency to outside services for liquidation. The replacement text is from former Section 301.30(a)(3), amended to eliminate the requirement that the OSG present its account to the court before it is permitted to petition the court for its fees. Changes also clarify that the fee schedule in effect at the time of notice to the ward determines the amount of fees due.

Section 301.30(a)(6) is an amended version of former Section 301.30(a)(4). This section emphasizes the minimum threshold amount required for the assessment of fees by the OSG, lowered from \$15,000.00 to \$5,000.00.

Section 301.30(b) is re-numbered Section 301.30(d).

New Section 301.30(b) clarifies the methods for establishing the value of a ward's property for purposes of OSG fee assessment. Any method acceptable to the court is authorized. Appraisals are specifically prohibited unless otherwise necessary for proper management of the estate, or ordered by the court.

Section 301.30(c) is completely changed. The original text is deleted, eliminating language concerning assessment of annual fees. New language

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is added to clarify that all fee assessments pursuant to these rules are subject to court approval.

Section 301.30(d) is re-numbered Section 301.30(e).

New Section 301.30(d) is an amended version of former Section 301.30(b). The changes clarify that OSG may be awarded fees even where it would result in denial or partial payment of other claims against the estate. Notice is required only to known creditors.

Section 301.30(e) is an amended version of former Section 301.30(d). Revised language eliminates confusion concerning exclusion from fee assessments of income or support derived from government benefit programs. The general terms "public benefits or entitlements" are eliminated in favor of specific listing of income to be excluded, and income not to be excluded. A new qualified exclusion for Medicare and Social Security income is added where the funds are specifically earmarked for another purpose, such as Medicare reimbursement for unpaid medical bills.

New Section 301.30(f) prohibits OSG fee assessments where financial hardship would result. It also permits waiver of fees where no substantial guardianship services have been provided.

Amendments to Section 301.40 eliminate the requirement of notice to wards at the start of services in order for fees to be assessed by the OSG. New requirements provide for notice five days prior to the court hearing on the OSG's petition for fees.

Section 301.50 is greatly expanded from its original simple statement of limitation of liability for fees to the ward's estate. This provision is retained, in clarified form, and other collection rules are added.

New Section 301.50(a) mandates that the OSG take reasonable steps to collect fees.

New Sections 301.50(b) through (e) authorize collection of fees upon court approval at any time after assessment, provided that, if the OSG is estate guardian, it has filed its inventory.

New Section 301.50(f) emphasizes that the OSG may not collect fees if financial hardship would result. It also provides for waiver or reduction of fees to avoid unreasonably high fees or collection costs.

New Section 301.50(g) emphasizes that the OSG may collect fees, even at the expense of other creditors of the ward's estate.

Section 301.60(c) is amended to eliminate the single fee schedule for

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both case-opening and annual fees, and to substitute three fixed rates for case-opening, based upon the average costs of case-opening for each type of guardianship: person, estate or both.

New Section 301.60(d) establishes a fixed monthly rate for the OSG's services as guardian of the person. The rate is based upon the average cost of such cases. Sliding scale monthly rates are established for the OSG's services as estate guardian. The top of the scale, for estates with liquid assets valued at \$100,000.00 or more, is based upon the average cost of guardianship services in estate cases, with discounts for smaller estates.

New Section 301.60(e) establishes sliding scale rates for guardianship petitioning services. The top of the sliding scale, for wards with liquid assets valued at \$100,000.00 or more, is based upon the average cost of such services, with discounts for wards with smaller estates.

New Section 301.60(f) establishes scale rates for the sale or management of real property. The top of the sliding scale, for real property valued at \$90,000.00 and above, is based upon the average cost of such services, with discounts for smaller estates.

New Section 301.60(g) establishes sliding scale rates for the sale or management of personal property. The top of the scale, for personal property valued at \$50,000.00 and above, is based upon the average cost of such services, with discounts for smaller estates.

Reference Corrections and Updates

Throughout the text of these rules, references to the Guardianship and Advocacy Act and other statutes are updated to reflect the latest edition of the Illinois Revised Statutes. References to Section 27-1 of the Probate Act of 1975 have also been added to clarify statutory authority for court awards of fees to guardians for services to their wards. The Heading of the Part is changed to reflect the correct statutory name of the Office of State Guardian.

Editorial Changes

The proposed amendments include numerous non-substantive technical changes to improve punctuation, spelling, syntax, format, style, and clarity of the original text. "Will" is changed to "shall" or "may," as appropriate. The phrases "him/her" and "his/her" are eliminated. Numbering of subsections has also been changed, as necessary, to accommodate added and deleted material.

Will this proposed amendment replace an emergency rule currently in effect? No

6)

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- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: Not applicable.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested person may submit comments, data, views or argument regarding these proposed amendments before the expiration of the first 45-day notice period. Submissions must be in writing and directed to:
 Rules Administrator
 Illinois Guardianship and Advocacy Commission
 421 East Capitol, Room 205
 Springfield, IL 62701
 Telephone (217) 785-1540
- 12) Initial Regulatory Flexibility Analysis: Not required; this rulemaking does not impact on small businesses, as defined in the Illinois Administrative Procedures Act.

The full text of the Proposed Amendments begins on the next page:

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TITLE 59: MENTAL HEALTH
 CHAPTER III: GUARDIANSHIP AND ADVOCACY COMMISSION

PART 301
 FEE SCHEDULE FOR THE OFFICE OF THE STATE GUARDIAN

Section	Authority and Purpose
301.10	Definitions
301.20	Assessment of Fees
301.30	Notice
301.40	Liability for Payment/Collection of Fees
301.50	Fee Schedules

AUTHORITY: Implementing and authorized by the Guardianship and Advocacy Act, (111. Rev. Stat. 1981, ch. 91 1/2, pars. 701 et seq.), as amended, and Section 27-1 of the Probate Act of 1975 (111. Rev. Stat. 1987, ch. 110 1/2, par. 27-1), as amended.

SOURCE: Adopted and codified at 6 111. Reg. 1501119, effective November 24, 1982; amended at 7 111. Reg. 8528, effective July 6, 1983; amended at 111. Reg. , effective , 1990.

Section 301.10 Authority and Purpose

- a) **Authority.** The Office of State Guardian exists as a division of the Guardianship and Advocacy Commission created by the Guardianship and Advocacy Act (GAC Act), (111. Rev. Stat. 1981, ch. 91 1/2, pars. 701 et seq.), and shall serve as guardian of the person or estate, or both for a ward, where it has been appointed to do so by a court. The GAC Act further charges that the Commission shall evaluate a ward's ability to pay for guardianship services received and charge fees for those services. The Probate Act of 1975, (111. Rev. Stat. 1987, ch. 110 1/2, par. 27-1), permits a guardian to be awarded reasonable fees for services rendered pursuant to the guardianship appointment, upon approval of the court.

- b) **Purpose.** The purpose of these rules and this fee schedules is to establish the procedures to be used in assessing fees against a ward or a ward's estate. A one-time initial fees will be assessed annually for guardianship services, and a one-time initial fee will be assessed for the inventory and establishment of the estate guardianship case. Fees shall be assessed monthly for guardianship services. Additional fees shall be assessed for guardianship petitioning and the sale or management of real or personal property. The Office of State Guardian shall not petition for fees where financial hardship to the ward would result.

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(Source: Amended at Ill. Reg. , effective , 1990)

Section 301.20 Definitions

Terms--as are defined--as follows for the purpose of these Rules, unless the context requires otherwise:

"Account" means a statement in writing of receipts and disbursements from a ward's estate by the guardian during a stated period of time;

"Case opening" means the internal administrative process used by OSG in establishing a temporary or ongoing guardianship case, including, but not limited to, collecting and reviewing necessary financial, legal, medical or social information pertaining to the ward or the ward's estate, opening bank or other financial accounts on the ward's behalf, assigning OSG representatives to perform guardianship responsibilities for the ward, collecting and receiving property of the ward, creating files, summaries and other documentary information necessary for the management of the ward or the ward's estate, and all other activities related to preparing for and assuming the responsibilities of guardian;

"Commission" means the Guardianship and Advocacy Commission (also referred to as "GAC");

"Court" means the probate court having jurisdiction over the ward and/or the estate of a ward;

"Estate" means all property owned by the ward, regardless of whether the Office of State Guardian is guardian of the person or estate of the ward, including, but not limited to, all cash, savings accounts, checking accounts, certificates of deposit, money market accounts, bonds, stocks or other negotiable securities or instruments, mutual fund shares, furniture, automobiles, other tangible personal property, and real estate;

"Fee" or "Fees" means any costs assessed by the Office of State Guardian against a ward or a ward's estate for guardianship services including case opening fees, monthly guardianship or management of real or personal property;

"Fee Schedules" means--a tables showing the amounts of monies the ward or the ward's estate may be assessed for guardianship services, which---do not include charges for outside services--procured by the guardian;

"Financial Hardship" means that the total value of liquid assets of a living ward would fall below four thousand seven hundred dollars (\$4,700.00) or the ward's estate would otherwise be inadequate to provide or obtain care, assistance, education, training, sustenance, housing, treatment or other goods or services vital to the well being of the ward or his dependents.

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resulting in the risk of harm to the ward or the ward's dependents;

"Guardian" means a court appointed guardian of the person, estate, or both, of a ward, and includes temporary, limited and plenary guardianship or conservator;

"Guardianship Petitioning" see, Petitioning;

"Guardianship Services" means work performed by the Office of State Guardian and its representatives in becoming guardian and all guardianship duties performed thereafter on behalf of a particular ward-- including, but not limited to, preparation and filing of annual- periodic reports, inventories, petitions for expenditures, annual current and final accounts; sale or other disposition of real or personal property; managing all assets of an estate; securing residential placements and transfers; monitoring, evaluation and consent for medical treatment and habilitation programming; appearing for and representing a ward in legal proceedings; procuring other outside services for the benefit of the ward or the ward's estate, and quarterly, annual and other visits as necessary to provided an active guardianship program--;

"Inventory" means a detailed list of all property owned by the ward which is filed with the court by the guardian;

"Liquid Assets" mean the portion of a ward's estate comprised of cash, negotiable instruments, or other similar property which is readily convertible to cash and has a readily ascertainable fixed value, including savings accounts, checking accounts, certificates of deposit, money market accounts, bonds, stocks or other negotiable securities, and mutual fund shares;

"Notice" means a prior written statement mailed to the ward or other interested party;

"Office of State Guardian" (also referred to as "OSG") means a division of the Guardianship and Advocacy Commission (also referred to as GAC), acting in its capacity as guardian of the estate, person, or both of a ward;

"Outside Services" means those services not provided by OSG or GAC employees, including the services of non-commission attorneys, corporations, agencies, individuals, or other entities retained to represent the interests of a ward or a ward's interest-estate, who may charge the ward's estate for services rendered, subject to court approval, and such fees may be in addition to fees assessed pursuant to the OSG fee schedules;

"Petitioning" or "Guardianship Petitioning" means the preparation, filing and litigation of guardianship petitions or petitions for the adjudication of disability of alleged disabled persons pursuant to the Probate Act of 1975 (Ill. Rev. Stat. 1987, ch. 110 1/2, par. 11a-1 et seq.), as amended;

"Property Management" or "Management of Property" means activities related to the discovery, possession, protection,

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conservation, listing for sale, auction or rental, solicitation of purchase or rental offers, title search, preparation of documents and forms, negotiations, payment of costs, fees, insurance, taxes, and penalties associated with the maintenance, operation, sale, auction or rental, participation in closing or completion of a sale or rental arrangements, and any other activities required in order for Office of State Guardian to protect, maintain or convey any interest of a ward in real or personal property, including a leasehold interest, subject to court approval.

"Representative" means any person, including providers of outside services, who represents the Office of State Guardian or its ward in legal or other proceedings;

"Ward" means a ward or a disabled person as defined by the Probate Act of 1975 (111. Rev. Stat. 1989, ch. 110 1/2, par. 1-1 et seq.), as now or hereafter amended, who is at least 18 years of age, and for whom the Office of State Guardian has been appointed guardian.

(Source: Amended at 111. Reg. , effective , 1990)

Section 301.30 Assessment of Fees

a) Assessment - In General.

- 1) Except as provided in subsections (c), (e) and (f) below, all estates of \$15,000 or more, at the time the inventory is filed with the court, will wards with liquid assets valued at five thousand dollars (\$5,000.00) or more on the date of the OSG's appointment shall be assessed a one-time guardianship case opening fee for establishment of the estate with the approval of the court case by OSG. The rate of the case opening fee shall be one hundred dollars (\$100.00), where OSG serves as guardian of the person, two hundred dollars (\$200.00), where OSG serves as guardian of the estate, and three hundred dollars (\$300.00) where OSG serves as guardian of both the person and estate. Case opening fees shall be assessed for each appointment, including a re-appointment as guardian for the same ward more than six months after the termination of a prior appointment, temporary or otherwise, involving similar powers and duties.

- 2) The annual A monthly fee for guardianship services other than petitioning for appointment of guardians and sale or management of real or personal property will shall be assessed against all the ward's estate at the time that the annual account is filed, with the approval of the court with liquid assets valued at five thousand dollars (\$5,000.00) or

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more on any day during the month. The fee for the OSG's services as guardian of the person shall be fifty dollars (\$50.00) per month. The fee for the OSG's services as guardian of the estate shall be a sliding scale rate up to a maximum of one hundred forty five dollars (\$145.00) per month, based upon the highest value of the ward's liquid assets on any day during the month.

- 3) Fees for guardianship petitioning services shall be assessed upon the entry of a court order finally disposing of the petition for appointment of a guardian. Guardianship petitioning fees shall be in addition to case opening fees. Monthly guardianship services fees, and fees for the sale or management of real or personal property. The rate for guardianship petitioning fees shall be determined using a sliding scale up to a maximum of three hundred fifty dollars (\$350.00), based upon the value of the ward's liquid assets in excess of five thousand dollars (\$5,000.00) on the date of the entry of the final order disposing of the guardianship petition, or, if a temporary guardian with powers over the estate is appointed, on the date of such appointment.

- 4) Fees for the sale of real or personal property shall be assessed when a sale is completed, or at the time of the final account. If no sale takes place during the OSG's term as guardian, fees for management of real or personal property shall be assessed at the time of the final account. Fees for the sale or management of a ward's property shall be in addition to case opening, monthly guardianship services and guardianship petitioning fees. The rate for real property sale or management fees shall be determined using a sliding scale up to a maximum of five hundred dollars (\$500.00), based upon the value of the real property at the time of the sale, or, if the property is not sold, at the time of the final account. The rate for personal property sale or management fees shall be determined using a sliding scale up to a maximum of three hundred dollars (\$300.00), based upon the value of the personal property at the time of the sale, or if the property is not sold, at the time of the final account.

- 315) Before presenting a petition for fees for guardianship services an account must be presented to the Probate Court for approval in compliance with Section 24-11 of the Probate Act of 1975 (111. Rev. Stat. 1981, ch. 110 1/2, par. 24-11). Upon approval of this account a petition for fees for guardianship services will then immediately be presented:

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The No petition for fees for guardianship services shall in no event request an amount greater than that which has been established by the current fee schedule in effect at the time the ward is provided notice of the assessment of fees.

4)6) No fees for guardianship services will shall be assessed on estates smaller than \$15,000.00 five thousand dollars (\$5,000.00).

5) Estates having assets in addition to or other than currency may be referred to outside services for liquidation and/or other disposition or management of the assets as the court directs. The providers of the outside services may petition for fees against the ward's estate, subject to court approval, and such fees may be in addition to any fees which may be assessed against the ward's estate by the Office of State Guardian for guardianship services pursuant to its fee schedule.

b) Assessments - Valuation of Property. Where OSG seeks to assess fees for the management of property which is not sold during the course of administration of a ward's estate, the value of the property in question shall be estimated by any reasonable method acceptable to the court. Unless specifically ordered by the court to do so, the OSG shall not retain an appraiser at estate expense to establish the value of a ward's property, where the appraisal is not otherwise required for responsible management of the estate.

c) Assessments - Court Approval. All fee assessments made by OSG shall be subject to court approval.

b)d) Assessments - On Exhausted Estates.

1) In estates that will may be exhausted by existing claims, the Office of State Guardian may petition for its fees in spite of the fact that the granting of these fees by the court might result in some or all of these claims going totally or partially unpaid.

2) Proper notice of the hearing to be held regarding the assessment of petition for fees as stated in this section will shall be mailed to each known claimant before the hearing is to take place.

e) Assessments - Annual Fee. Annual assessment for fees will be based on the value of the estate at the time that the annual account is filed.

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d)e) Assessments - On Entitlements. Fees will shall not be assessed on income or support derived from any public benefit or entitlement programs, including but not limited to Medicaid, Supplemental Security Income, or Public Aid, etc. Income or support derived from Social Security and Medicare will not shall be considered an entitlement subject to OSG fee assessment unless the funds have been expressly earmarked for the another purpose of this policy.

f) Assessments - Hardship and Waiver. No fees shall be assessed where financial hardship to the ward would result. The Office of State Guardian may waive fees where no substantial guardianship services have been provided the ward.

(Source: Amended at Ill. Reg. , effective , 1990)

Section 301.40 Notice

a) Notice - In General. A ward or a ward's estate will shall not be charged for guardianship services unless the ward is given prior written notice at the start of these services that a fee might be charged for such services pursuant to the procedure set forth below.

b) Notice - Procedure to be Used. Prior to requesting court approval for the assessment or collection of fees, a written notice will shall be mailed given to the ward, which informs him/her of the possibility advising the ward that the ward or his/her the ward's estate will be charged for guardianship fees services. This notice will shall be delivered to the ward in person or by mailed on the same date as the petition seeking guardianship is filed. If the Office of State Guardian is not the party seeking Office of State Guardian appointment as guardian, this notice will be mailed immediately or no less than fourteen (14) days, excluding Saturdays and Sundays, or holidays, before the date when the guardianship hearing is scheduled. If the notice is mailed less than fourteen (14) days prior to the scheduled hearing date no fees will be assessed for the first fourteen (14) days following the date of the hearing. If the Office of State Guardian is not notified of the petition until after it has already been appointed guardian, then the Office of State Guardian will mail notice to the ward within fifteen (15) days after being notified of the Office of State Guardian appointment, excluding Saturdays, Sundays, and holidays. Until this notice period has elapsed, the ward's estate will not be assessed for guardianship services at least 5 days, excluding Saturdays, Sundays, and legal holidays, before the scheduled hearing date.

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(Source: Amended at 111. Reg. , effective , 1990)

Section 301.50 Liability for Payment Collection of Fees

a) Payment Collection and Liability for Payment - In General. The Office of State Guardian shall take reasonable steps to collect fees from parties holding estate funds when fees have been assessed. Liability for fee payment will shall be limited to the ward's estate.

b) Collection of Case Opening Fees. Case opening fees shall be collected by OSG upon the entry of the court's order approving its petition for fees. Where OSG is the estate guardian, its fee petition shall not be filed prior to the filing of the estate inventory.

c) Collection of Monthly Fees. Monthly fees shall be collected by OSG on a regular basis at the time such fees are assessed, but only where prior court approval has been obtained. Court approval should be obtained at the earliest reasonable opportunity. Where OSG is the estate guardian, its fee petition shall not be filed prior to the filing of the estate inventory.

d) Collection of Fees For Guardianship Petitioning. Fees for guardianship petitioning shall be collected after the entry of the order appointing the guardian or other final disposition of the petition, or at the time of the final account. Where the Office of State Guardian is the estate guardian, the inventory shall be filed prior to, or at the time of, the filing of OSG's fee petition.

e) Collection of Fees for Sale or Management of Property. Fees for the sale or management of a ward's real or personal property shall be collected after the sale is completed, or at the time of the final account. Where the Office of State Guardian is the estate guardian, the inventory shall be filed prior to, or at the time of, the filing of OSG's fee petition.

f) Collection - Hardship and waiver. No fees shall be collected where financial hardship to the ward would result. The Office of State Guardian may waive or reduce fees assessed where the reasonable charges for guardianship services rendered are below the fee Schedule amounts or where the costs of collection would far exceed the fees due.

g) Collection - Impact On Creditors. The Office of State Guardian may collect fees even where claims of creditors of the ward may be compromised, so long as no financial hardship to the ward or the

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ward's dependents would result.

(Source: Amended at 111. Reg. , effective , 1990)

Section 301.60 Fee Schedules

a) Statutory Authority for Assessment of Fees. The Commission under Section 705(i) of the Guardianship and Advocacy Act, (Ill. Rev. Stat. 1984, ch. 91 1/2, par. 705(i)), as amended, is given the power to collect fees for its legal and guardianship services.

b) Procedure for Changing Fee Schedule. No changes will be made in this fee schedule without prior approval by the Commission and submission of its revision pursuant to the Illinois Administrative Procedures Act, (Ill. Rev. Stat. 1984, ch. 127, Pars. 1001 et seq.), as amended.

c) Fee Schedule

Estate	One-Time-Initial		Annual
	Guardianship-Fee	Guardianship-Fee	
\$15,000-19,999	\$-50:00	\$-100:00	
20,000-24,999	100:00	150:00	
25,000-29,999	150:00	200:00	
30,000-34,999	200:00	250:00	
35,000-39,999	250:00	300:00	
40,000-44,999	300:00	350:00	
45,000-49,999	350:00	400:00	
50,000-54,999	400:00	450:00	
55,000-59,999	450:00	500:00	
60,000-64,999	500:00	550:00	
65,000-69,999	550:00	600:00	
70,000-74,999	600:00	650:00	
75,000-79,999	650:00	700:00	
80,000-84,999	700:00	750:00	
85,000-89,999	750:00	800:00	
90,000-94,999	800:00	850:00	
95,000-99,999	850:00	900:00	
And Above	+\$50:00-increase-for every \$5,000-increase in the estate	+\$50:00-increase-for every \$5,000-increase in the estate	

Schedule For the Assessment of One-Time Case Opening Fees

- 1) Guardianship of the Person \$100.00
- 2) Guardianship of the Estate \$200.00

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- 3) Guardianship of the Person and Estate \$300.00

d) Schedule For the Assessment of Monthly Guardianship Services Fees

1) Person Cases	\$50.00
2) Estate Cases	
Total Value of Liquid Assets	Monthly Fee
\$ 5,000- 9,999	\$ 50.00
10,000-14,999	55.00
15,000-19,999	60.00
20,000-24,999	65.00
25,000-29,999	70.00
30,000-34,999	75.00
35,000-39,999	80.00
40,000-44,999	85.00
45,000-49,999	90.00
50,000-54,999	95.00
55,000-59,999	100.00
60,000-64,999	105.00
65,000-69,999	110.00
70,000-74,999	115.00
75,000-79,999	120.00
80,000-84,999	125.00
85,000-89,999	130.00
90,000-94,000	135.00
95,000-99,000	140.00
100,000 and above	145.00

e) Schedule For The Assessment of Guardianship Petitioning Fees

Estate	Petitioning Fee
\$ 5,000- 9,999	\$ 25.00
10,000-19,999	50.00
20,000-29,999	75.00
30,000-39,999	100.00
40,000-49,999	125.00
50,000-59,999	150.00
60,000-69,999	175.00
70,000-79,999	200.00
80,000-89,999	250.00

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- 90,000-99,999 300.00
100,000 and above 350.00

f) Schedule for the Assessment of Fees for the Sale or Management of Real Property.

Net Sale Value of Property or Estimated Value	Fee Amount
\$ 1,000- 4,999	\$ 50.00
5,000- 9,999	75.00
10,000-14,999	100.00
15,000-19,999	125.00
20,000-24,999	150.00
25,000-29,999	175.00
30,000-34,999	200.00
35,000-39,999	225.00
40,000-44,999	250.00
45,000-49,999	275.00
50,000-54,999	300.00
55,000-59,999	325.00
60,000-64,999	350.00
65,000-69,999	375.00
70,000-74,999	400.00
75,000-79,999	425.00
80,000-84,999	450.00
85,000-89,999	475.00
90,000 and above	500.00

g) Schedule For the Assessment of Fees for the Sale or Management of Personal Property

Net Sale Value of Property Sold or Estimated Value	Fee Amount
\$ 3,000- 8,999	25.00
9,000-11,999	50.00
12,000-14,999	75.00
15,000-18,999	100.00
19,000-22,999	125.00
23,000-26,999	150.00
27,000-30,999	175.00
31,000-34,999	200.00
35,000-39,999	225.00
40,000-44,999	250.00
45,000-49,999	275.00
50,000 and above	300.00

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 111. Reg. , effective , 1990)

NOTICE OF PROPOSED RULES

1) Heading of Part: Affordable Housing Program

2) Code Citation: 47 Ill. Adm. Code 360

3) Section Numbers: Proposed Action:

360.101	New Section
360.102	New Section
360.103	New Section
360.104	New Section
360.105	New Section
360.106	New Section
360.107	New Section
360.108	New Section
360.109	New Section
360.110	New Section
360.111	New Section
360.112	New Section
360.113	New Section
360.114	New Section
360.201	New Section
360.202	New Section
360.203	New Section
360.301	New Section
360.302	New Section
360.303	New Section
360.304	New Section
360.305	New Section
360.306	New Section
360.307	New Section
360.308	New Section
360.309	New Section
360.310	New Section
360.401	New Section
360.402	New Section
360.501	New Section
360.502	New Section
360.503	New Section
360.504	New Section
360.505	New Section
360.506	New Section
360.507	New Section

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED RULES

- 360.601 New Section
- 360.602 New Section
- 360.603 New Section
- 360.604 New Section
- 360.605 New Section
- 360.606 New Section
- 360.701 New Section
- 360.801 New Section
- 360.802 New Section
- 360.803 New Section
- 360.804 New Section
- 360.901 New Section
- 360.902 New Section
- 360.903 New Section
- 360.904 New Section
- 360.905 New Section
- 360.906 New Section
- 360.1001 New Section
- 360.1101 New Section
- 360.1102 New Section

- 4) Statutory Authority: Sections 4 and 7(e) of the Illinois Affordable Housing Act (Ill.Rev. Stat. 1987, Ch. 67-1/2, pars. 1254 and 1257).
- 5) A. Complete Description of the Subjects and Issues Involved: The Illinois Affordable Housing Act, Public Act 86-0925, (Ill. Rev. Stat. 1987, ch. 67 1/2, par. 1251 et seq.) created the Illinois Affordable Housing Program. The program was established to provide loans and grants for the acquisition, construction and rehabilitation of housing affordable for low and very low income persons and families. This Part will implement the Illinois Affordable Housing Program.
- 6) Will this proposed rule replace an emergency rule currently in effect?
Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF PROPOSED RULES

- 10) Statement of Statewide Policy Objectives: This proposed rulemaking creates a statewide program to create and retain affordable housing for low and very low income persons and families.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested parties may submit comments, data, views or arguments concerning this rulemaking in writing to: Robert Grossinger, 401 N. Michigan Ave., Suite 900, Chicago, Illinois 60611. The Authority will consider all written comments received at the above address within 45 days of the date of publication of this notice.
- 12) Initial Regulatory Flexibility Analysis:
 - A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: January 10, 1990.
 - B) Types of small businesses affected: Real estate developers.
 - C) Reporting, bookkeeping or other procedures required for compliance: Records shall be maintained in a manner sufficient to establish compliance with this Part.
 - D) Types of professional skills necessary for compliance: Administrative, secretarial, bookkeeping, real estate development, architectural, engineering and legal.

The full text of the Proposed Rules is identical to the text of the Emergency Rule appearing at 2097 of this issue of the Register.

DEPARTMENT OF INSURANCE

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULES

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Group Coverage Discontinuance and Replacement

- 2) Code Citation: 50 Ill. Adm. Code 2013

- 3) Section Proposed Action

2013.10	New Section
2013.20	New Section
2013.30	New Section
2013.40	New Section
2013.50	New Section
2013.60	New Section
2013.70	New Section

- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 73, par. 979i as added by PA 86-537, effective February 28, 1990.

- 5) A Complete Description of the Subjects and Issues Involved:
This rulemaking implements Section 367i of the Illinois Insurance Code and regulates the discontinuation and replacement of group/or group type insurance policies. This part requires all group policies to contain a reasonable provision for extension of benefits, regulates the effective date of the discontinuation for non-payment of premium and provides standards for Notices of Discontinuation. This Part also outlines the duties and responsibilities of the prior and succeeding insurance carriers in situation where a group policy has been replaced.

- 6) Will this proposed rule replace an emergency rule currently in effect? No.

- 7) Does this rulemaking contain an automatic repeal date? No.

- 8) Does this proposed rule contain incorporations by reference? No.

- 9) Are there any other proposed amendments pending on this Part? No.

- 10) Statement of Statewide Policy Objections: Not applicable

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit them in writing no later than 45 days after the publication of this Notice to:

Timothy M. Cena
Staff Attorney
Department of Insurance
100 W. Randolph, Suite 15-100
Chicago, Illinois 60601

- 12) Initial Regulatory Flexibility Analysis: Not applicable in that the Department has determined that this rulemaking does not effect small business as that term is defined in Section 3.10 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, par. 1003.10).

The full text of the Proposed Rule(s) begins on the next page:

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULES

TITLE 50: INSURANCE
 CHAPTER I: DEPARTMENT OF INSURANCE
 SUBCHAPTER 2: ACCIDENT AND HEALTH INSURANCE

PART 2013
 GROUP COVERAGE DISCONTINUANCE AND REPLACEMENT

Section 2013.10	Authority
2013.20	Scope
2013.30	Definition
2013.40	Effective Date of Discontinuance for Non-Payment of Premium of Subscription Charges
2013.50	Requirements for Notice of Discontinuance
2013.60	Extension of Benefits
2013.70	Continuance of Coverage in Situations Involving Replacement of a Group Policy of One Carrier by Another

AUTHORITY: Implementing and authorized by Section 367i of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, par. 979i as added by PA 86-537, effective 2/28/90)

SOURCE: Adopted at Ill. Reg. _____, effective _____.

Section 2013.10 Authority

This Part is adopted and promulgated by the Director of Insurance pursuant to Section 367i of the Illinois Insurance Code. (Ill. Rev. Stat. 1987, ch. 73, par. 979i, as added by PA 86-537, effective 2/29/90)

Section 2013.20 Scope

This part is applicable to all insurance policies, issued for delivery, renewed or amended on a group or group-type basis covering person as employees of employers or as members of unions or associations having a situs in this State.

Section 2013.30 Definition

The term "group type basis" means a benefit plan, other than salary budget plans utilizing individual insurance policies or subscriber contracts, which meets the following conditions:

- (a) Coverage is provided through insurance policies to

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classes of employees or members defined in terms of conditions pertaining to employment or membership.

- (b) The coverage is not available to the general public and can be obtained and maintained only because of the covered person's membership in or connection with the particular organization or group.

- (c) There are arrangements for bulk payment or premiums or subscription charges to the insurer or non-profit service corporation.

- (d) There is sponsorship of the plan by the employer, union, or association.

Section 2013.40 Effective Date of Discontinuance for Non-Payment of Premium or Subscription Charges

- (a) If a policy subject to this Part provides for automatic discontinuance of the policy or contract after a premium or subscription charge has remained unpaid through the grace period allowed for such payment, the carrier shall be liable for valid claims for covered losses incurred prior to the end of the grace period.

- (b) If the actions of the carrier after the end of the grace period indicate that it considers the policy as continuing in force beyond the end of the grace period such as, by continuing to recognize claims subsequently incurred, the carrier shall be liable for valid claims for losses beginning prior to the effective date of written notice of discontinuance to the policyholders or other entity responsible for making payments or submitting subscription charges to the carrier. The effective date of discontinuance shall not be prior to midnight at the end of third scheduled work day after the date upon which the notice is delivered.

Section 2013.50 Requirements for Notice of Discontinuance

- (a) Any notice of discontinuance so given by the carrier shall include a request to the group policyholder or other entity involved to notify employees covered under the policy of the date as of which the group policy will discontinue and to advise that, unless otherwise provided in the policy the carrier shall not be liable

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for claims for losses incurred after such date. Such notice of discontinuance shall also advise, in any instance in which the plan involves employee contributions, that if the policyholder or other entity continues to collect contributions for the coverage period the date of discontinuance, the policyholder or other entity may be held solely liable for the benefits with respect to which the contributions have been collected.

- (b) The carrier will prepare and furnish to the policyholder or other entity at the same time a supply of a notice form to be distributed to the employees or members concerned indicated such discontinuance and the effective date thereof, and urging the employees or members to refer to their certificates in order to determine what rights, if any, are available to them upon such discontinuance.

Section 2013.60 Extension of Benefits

- (a) Every group policy subject to this Part hereafter issued, or under which the level of benefits is hereafter altered, modified, or amended, must provide a reasonable provision for extension of benefits in the event of total disability at the date of discontinuance of the group policy as required by Sections 2013.60(b) - (d).
- (b) In the case of a group plan providing benefits for loss of time from work or specific indemnity during hospital confinement, discontinuance of the policy during a disability shall have no effect on benefits payable for that disability or confinement.
- (c) In the case of hospital or medical expense coverages, other than dental, pharmaceutical or other limited expense coverages, a reasonable extension of benefits or accrued liability provision is required. Such a provision will be considered "reasonable" if it provides an extension of at least twelve months under "major medical" and "comprehensive medical" type coverages, and under other types of hospital or medical expenses coverages provides either an extension of at least ninety days or an accrued liability for expenses incurred during a period of disability or during a period of at least ninety days starting with a specific

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event which occurred while coverage was in force (e.g., an accident).

- (d) Any applicable extension of benefits or accrued liability shall be described in any policy involved as well as in group insurance certificates. The benefits payable during any period of extension or accrued liability may be subject to the policy's regular benefit limits (e.g., benefits ceasing at exhaustion of a benefit period or of maximum benefits) but in no event shall such limits reduce the extensions described in Section 2013.60(c) above.

Section 2013.70 Continuance of Coverage in Situations Involving Replacement of a Group Policy of One Carrier by Another

- (a) Liability of prior carrier. The prior carrier remains liable only to the extent of its accrued liabilities and extensions of benefits. The position of the prior carrier shall be the same whether the group policyholder or other entity secures replacement coverage from a new carrier, self-insures, or foregoes the provision of coverage.

(b) Liability of Succeeding Carrier.

1. Each person who is eligible for coverage in accordance with the succeeding carrier's plan of benefits, in respect of classes eligible and activity at work and non-confinement rules, shall be covered by the carrier's plan of benefits.
2. Each person not covered under the succeeding carrier's plan of benefits in accordance with subparagraph (b)(1) above must nevertheless be covered by the succeeding carrier in accordance with the following rules if such individual was validly covered, including benefits extension, under the prior plan on the date of discontinuance and is such individual is a member of the class or classes of individuals eligible for coverage under the succeeding carrier's plan. Any reference in the following rules to an individual who was or was not totally disabled is a reference to the individual's status immediately prior to the date the succeeding carrier's coverage becomes effective.

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(A) The minimum level of benefits to be provided by the succeeding carrier shall be the applicable level of benefits of the prior carrier's plan reduced by any benefits payable by the prior plan.

(B) Coverage must be provided by the succeeding carrier until at least the earliest of the following dates:

- i) the date the individual becomes eligible under the succeeding carrier's plan described in subparagraph (b)(1) above.
- ii) for each type of coverage, the date the individual's coverage would terminate in accordance with the succeeding carrier's plan provisions applicable to individual termination of coverage (e.g., at termination of employment or ceasing to be eligible dependent, as the case may be).
- iii) in the case of an individual who was totally disabled, and in the case of a type of coverage for which Section 2013.60 requires an extension of accrued liability, the end of any period of extension or accrued liability which is required of the prior carrier by Section 2013.60 or, if the prior carrier's policy is not subject to that Section, would have been required of that carrier had its policy been subject to Section 2013.60 at the time the prior plan was discontinued and replaced by the succeeding carrier's plan.

(3) In the case of a pre-existing conditions limitation included in the succeeding carrier's plan, the level of benefits applicable to pre-existing conditions of persons becoming covered by the succeeding carrier's plan in accordance with this Section during the period of time this limitation applies under the new plan shall be the lesser of;

- (A) the benefits of the new plan determined without

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application of the pre-existing conditions limited; and

- (B) the benefits of the prior plan.

(4) The succeeding carrier, in applying any deductibles or waiting period in its plan, shall give credit for the satisfaction or partial satisfaction of the same or similar provisions under a prior plan providing similar benefits. In the case of deductible provisions, the credit shall apply for the same or over-lapping benefit periods and shall be given for expenses actually incurred and applied against the deductible provision of the prior carrier's plan during the 90 days preceding the effective date of the succeeding carrier's plan but only to the extent these expenses are recognized under the terms of the succeeding carrier's plan and are subject to similar deductible provision.

(5) In any situation where a determination of the prior carrier's benefits required by the succeeding carrier, at the succeeding carrier's request the prior carrier shall furnish a statement of the benefits available or pertinent information, sufficient to permit verification of the benefit determination or the determination itself by the succeeding carrier. For the purposes of this section, benefits of the prior plan will be determined in accordance with all of the definitions, conditions, and covered expenses provisions of the prior plan rather than those of the succeeding plan. The benefit determination will be made as if coverage had not been replaced by the succeeding carrier.

ILLINOIS REGISTER

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NOTICE OF PROPOSED AMENDMENTS

- 1) The Heading of the Part: MEDICAL PAYMENT
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers:
 140.400
 140.435
 140.436
Proposed Action:
 Amendment
 New Section
- 4) Statutory Authority: Sections 5-5 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 5-5 and 12-13)
- 5) A Complete Description of the Subjects and Issues Involved: These amendments allow payment for nurse-midwife services. The amendments specify the requirements for payment of such services.
- 6) Will these Proposed Amendments replace Emergency Amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date?
 Yes No
- 8) Do these Proposed Amendments contain incorporations by reference? No
- 9) Are there any other Proposed Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
140.428	Amendment	September 15, 1989 (13 Ill. Reg. 14265)
140.429	Repealed	September 15, 1989 (13 Ill. Reg. 14265)
140.475	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.476	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.477	Amendment	September 29, 1989 (13 Ill. Reg. 15281)

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Section Numbers	Proposed Action	Illinois Register Citation
140.478	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.479	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.480	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.481	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.525	Amendment	November 17, 1989 (13 Ill. Reg. 17667)
140.526	Amendment	November 17, 1989 (13 Ill. Reg. 17667)
140.528	Amendment	November 17, 1989 (13 Ill. Reg. 17667)
140.543	Amendment	August 18, 1989 (13 Ill. Reg. 13178)
140.560	Amendment	August 18, 1989 (13 Ill. Reg. 13178)
140.561	Amendment	August 18, 1989 (13 Ill. Reg. 13178)
140.562	Amendment	August 18, 1989 (13 Ill. Reg. 13178)
140.565	Repeal	November 17, 1989 (13 Ill. Reg. 17667)
140.566	Repeal	November 17, 1989 (13 Ill. Reg. 17667)
140.567	Repeal	November 17, 1989 (13 Ill. Reg. 17667)
140.568	Repeal	November 17, 1989 (13 Ill. Reg. 17667)

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Section Numbers Proposed Action Illinois Register Citation

140.569 Amendment October 6, 1989
(13 Ill. Reg. 15612)

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

11) Time, place, and manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Thomas D. Toberman, Division of Medical Programs, Illinois Department of Public Aid, Prescott E. Bloom Building, 201 South Grand Avenue East, 2nd Floor, Springfield, Illinois 62763, (217) 524-5678. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

12) Initial Regulatory Flexibility Analysis:

A) Date Amendments were submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: January 16, 1989

B) Types of small businesses affected: Medical Providers

C) Reporting, bookkeeping or other procedures required for compliance: No new procedures required.

D) Types of professional skills necessary for compliance: No new professional skills needed.

The full text of the Proposed Amendments begins on the next page:

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

- | | |
|---------|---|
| Section | |
| 140.1 | Incorporation By Reference |
| 140.2 | Medical Assistance Programs |
| 140.3 | Covered Services Under The Medical Assistance Programs for AFDC, AFDC-MANG, AABD, AABD-MANG, RRP, Individuals Under Age 18 Not Eligible for AFDC, Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed) |
| 140.4 | Covered Medical Services Under GA and AMI |
| 140.5 | Medical Services Not Covered |
| 140.6 | Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Infants Under Age One Year |
| 140.7 | Medical Assistance For Qualified Severely Impaired Individuals |
| 140.8 | Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy |
| 140.9 | Medical Assistance Provided to Incarcerated Persons |
| 140.10 | |

SUBPART B: MEDICAL PROVIDER PARTICIPATION/DRUG MANUAL

- | | |
|---------|--|
| Section | |
| 140.11 | Enrollment Conditions for Medical Providers |
| 140.12 | Participation Requirements for Medical Providers |
| 140.13 | Definitions |
| 140.14 | Denial of Application to Participate in the Medical Assistance Program |
| 140.15 | Recovery of Money |
| 140.16 | Termination of a Vendor's Eligibility to Participate in the Medical Assistance Program |
| 140.17 | Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program |

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Section	
140.18	Effect of Termination on Individuals Associated with Vendor
140.19	Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
140.20	Submitted of Claims
140.21	Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)
140.22	Magnetic Tape Billings
140.23	Payment of Claims
140.24	Payment Procedures
140.25	Overpayment or Underpayment of Claims
140.26	Payment to Factors Prohibited
140.27	Assignment of Vendor Payments
140.28	Record Requirements for Medical Providers
140.30	Audits
140.35	False Reporting and Other Fraudulent Activities
140.40	Prior Approval for Medical Services or Items
140.41	Prior Approval in Cases of Emergency
140.42	Limitation on Prior Approval
140.43	Post Approval for Items or Services When Prior Approval Cannot Be Obtained
140.71	Drug Manual (Recodified)
140.72	Drug Manual (Recodified)
140.73	Drug Manual Updates (Recodified)

SUBPART C: HOSPITAL SERVICES

Section	
140.94	Hospital Services (Recodified)
140.95	Participation (Recodified)
140.96	General Requirements (Recodified)
140.97	Special Requirements (Recodified)
140.98	Covered Hospital Services (Recodified)
140.99	Hospital Services Not Covered (Recodified)
140.100	Limitation On Hospital Services (Recodified)
140.101	Transplants (Recodified)
140.102	Heart Transplants (Recodified)
140.103	Liver Transplants (Recodified)
140.104	Bone Marrow Transplants (Recodified)
140.110	Disproportionate Share Hospital Adjustments (Recodified)
140.116	Payment for Inpatient Services for GA (Recodified)
140.117	Hospital Outpatient and Clinic Services (Recodified)
140.200	Payment for Hospital Services during Fiscal Year 1982 (Recodified)
140.201	Payment for Hospital Services After June 30, 1982 (Repealed)

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Section	
140.202	Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.203	Limits on Length of Stay by Diagnosis (Recodified)
140.300	Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
140.350	Copayments (Recodified)
140.360	Payment Methodology (Recodified)
140.361	Non-Participating Hospitals (Recodified)
140.362	Pre July 1, 1989 Services (Recodified)
140.363	Post June 30, 1989 Services (Recodified)
140.364	Prepayment Review (Recodified)
140.365	Base Year Costs (Recodified)
140.366	Restructuring Adjustment (Recodified)
140.367	Inflation Adjustment (Recodified)
140.368	Volume Adjustment (Repealed)
140.369	Groupings (Recodified)
140.370	Rate Calculation (Recodified)
140.371	Payment (Recodified)
140.372	Review Procedure (Recodified)
140.373	Utilization (Repealed)
140.374	Alternatives (Recodified)
140.375	Exemptions (Recodified)
140.376	Utilization, Case-Mix and Discretionary Funds (Repealed)
140.390	Subacute Alcoholism and Substance Abuse Services (Recodified)
140.391	Definitions (Recodified)
140.392	Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
140.394	Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.396	Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.398	Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section	
140.400	Payment to Practitioners, <u>Nurses</u> and Laboratories
140.410	Physicians' Services
140.411	Covered Services By Physicians
140.412	Services Not Covered By Physicians
140.413	Limitation on Physician Services
140.414	Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians
140.416	Optometric Services and Materials
140.417	Limitations on Optometric Services

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Section	
140.418	Department of Corrections Laboratory
140.420	Dental Services
140.421	Limitations on Dental Services
140.422	Requirements for prescriptions and Dispensing Items of Pharmacy Items - Dentists
140.425	Podiatry Services
140.426	Limitations on Podiatry Services
140.427	Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry
140.428	Chiropractic Services
Section	
140.429	Limitations on Chiropractic Services
140.430	Independent Laboratory Services
140.431	Services Not Covered by Independent Laboratory
140.432	Limitations on Independent Laboratory Services
140.433	Payment for Laboratory Services
140.434	Record Requirements for Independent Laboratories
140.435	Nurse Services
140.436	Limitations on Nurse Services
140.440	Pharmacy Services
140.441	Pharmacy Services Not Covered
140.442	Prior Approval of Prescriptions
140.443	Filling of Prescriptions
140.444	Compounded Prescriptions
140.445	Prescription Items (Not Compounded)
140.446	Over-the-Counter Items
140.447	Reimbursement
140.448	Returned Pharmacy Items
140.449	Payment of Pharmacy Items
140.450	Record Requirements for Pharmacies
140.452	Mental Health Clinic Services
140.453	Definitions
140.454	Types of Mental Health Clinic Services
140.455	Payment for Mental Health Clinic Services
140.456	Hearings
140.460	Clinic Services
140.461	Clinic Participation Requirements
140.462	Covered Services in Clinics
140.463	Encounter Rate Clinics
140.464	Psychiatric Clinics (Hospital-based)
140.465	Speech and Hearing Clinics
140.466	Rural Health Clinics
140.467	Independent Clinics
140.469	Hospice
140.470	Home Health Services
140.471	Home Health Covered Services

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140.472	Types of Home Health Services
140.473	Prior Approval for Home Health Services
140.474	Payment for Home Health Services
140.475	Medical Equipment, Supplies and Prosthetic Devices
140.476	Medical Equipment, Supplies and Prosthetic Devices for Which Payment Will Not Be Made
140.477	Limitations on Equipment, Supplies and Prosthetic Devices
140.478	Prior Approval for Medical Equipment, Supplies and Prosthetic Devices
140.479	Approval of Medical Supplies
140.480	Equipment Rental Limitations
140.481	Payment for Medical Equipment, Supplies and Prosthetic Devices
140.482	Family Planning Services
140.483	Limitations on Family Planning Services
140.484	Payment for Family Planning Services
140.485	Medichek Services
140.486	Limitations on Medichek Services
140.487	Payment on Medichek Services
140.490	Medical Transportation
140.491	Limitations on Medical Transportation
140.492	Payment for Medical Transportation
140.495	Psychological Services
140.496	Payment for Psychological Services
140.497	Hearing Aids
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140.500	Group Care Services
140.502	Cessation of Payment at Federal Direction
140.503	Cessation of Payment for Improper Level of Care
140.504	Cessation of Payment Because of Termination of Facility
140.505	Continuation of Payment Because of Threat To Life
140.506	Provider Voluntary Withdrawal
140.507	Continuation of Provider Agreement
140.510	Determination of Need for Group Care
140.511	Services Provided Without Charge
140.512	Utilization Control
140.513	Utilization Review Plan
140.514	Certifications and Recertifications of Care
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140.516	Recipient Management of Funds
140.517	Correspondent Management of Funds
140.518	Facility Management of Funds
140.519	Use or Accumulation of Funds

SUBPART E: GROUP CARE

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Section	
140.520	Management of Recipient Funds--Local Office Responsibility
140.521	Room and Board Accounts
140.522	Reconciliation of Recipient Funds
140.523	Bed Reserves
140.524	Cessation of Payment Due to Loss of License Eligibility For Quality Incentive Program (QUIP)
140.525	Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP)
140.526	Quality Incentive Survey
140.527	Quality Incentive Program
140.528	Payment of Quality Incentive
140.529	Reviews
140.530	Basis of Payment for Group Care Services
140.531	General Service Costs
140.532	Health Care Costs
140.533	General Administration Costs
140.534	Ownership Costs
140.535	Costs for Interest, Taxes and Rent
140.536	Organization and Pre-Operating Costs
140.537	Payments to Related Organizations
140.538	Special Costs
140.539	Nurse's Aide Training
140.540	Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
140.541	Salaries Paid to Owners or Related Parties
140.542	Cost Reports-Filing Requirements
140.543	Time Standards for Filing Cost Reports
140.544	Access to Cost Reports
140.545	Penalty for Failure to File Cost Reports
140.550	Update of Operating Costs
140.551	General Service Costs
140.552	Nursing and Program Costs
140.553	General Administrative Costs
140.554	Component Inflation Index
140.555	Minimum Wage
140.560	Components of the Base Rate Determination
140.561	Support Costs Components
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140.566	Level I Incentive Payments
140.567	Level II Incentive Payments
140.568	Duration of Incentive Payments
140.569	Clients With Exceptional Care Needs
140.570	Capital Rate Component Determination
140.571	Fair Rental Value (FRV) Calculation
140.572	Total Capital Rate

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Section	
140.573	Other Capital Provisions
140.574	Capital Costs for Rented Facilities
140.575	Newly Constructed Facilities (Repealed)
140.576	Renovations (Repealed)
140.577	Capital Costs for Rented Facilities (Renumbered)
140.578	Property Taxes
140.579	Specialized Living Centers
140.580	Mandated Capital Improvements
140.581	Qualifying as Mandated Capital Improvement
140.582	Cost Adjustments
140.583	Campus Facilities
140.584	Illinois Municipal Retirement Fund (IMRF)
140.590	Audit and Record Requirements
140.642	Pre-Screening Assessment
140.643	In-Home Care Program
140.645	Medical and In-Home Care For Disabled Persons Under Age 21
140.646	Reimbursement for Developmental Training for the Mentally Retarded Who Reside in Long Term Care Facilities
140.647	Description of Developmental Training Service Levels
140.648	Determination of the Amount of Reimbursement for Day Programming for the Mentally Retarded
140.649	Effective Dates of Reimbursement for Day Programs
140.650	Certification of Day Programs
140.651	Decertification of Day Programs
140.652	Terms of Assurances and Contracts
140.680	Effective Date Of Payment Rate
140.700	Discharge of Long Term Care Residents
140.830	Appeals of Rate Determinations
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SUBPART F: POINT COUNT GUIDELINES FOR ICF/MR AND SNF/PED FACILITIES

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140.850	Facility/Client Participation (Recodified)
140.855	Evaluation Of Need For Care (Recodified)
140.860	Payment (Recodified)
140.865	Definitions (Recodified)
140.870	Guidelines (Recodified)
140.875	Intermediate Care (ICF/MR) (Recodified)
140.880	Skilled Care (SNF/PED) (Recodified)
140.885	Statewide Rates (Recodified)
140.890	Reimbursement for ICF/MR-15 and Under Facilities (Recodified)
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140.896	Reimbursement For Program Costs (Active Treatment) For Clients in Long Term Care Facilities For the Developmentally Disabled (Recodified)
SUBPART G: REIMBURSEMENT FOR NURSING COSTS FOR GERIATRIC FACILITIES	
Section	
140.900	Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)
140.901	Functional Areas of Needs (Recodified)
140.902	Service Needs (Recodified)
140.903	Definitions (Recodified)
140.904	Times and Staff Levels (Repealed)
140.905	Statewide Rates (Repealed)
140.906	Reconsiderations (Recodified)
140.907	Midnight Census Report (Recodified)
140.908	Times and Staff Levels (Recodified)
140.909	Statewide Rates (Recodified)
140.910	Referrals (Recodified)
140.911	Basic Rehabilitation Aide Training Program (Recodified)
140.912	Interim Nursing Rates (Recodified)

SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM

Section	
140.940	Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
140.942	Definition of Terms (Recodified)
140.944	Notification of Negotiations (Recodified)
140.946	Hospital Participation in ICARE Program Negotiations (Recodified)
140.948	Negotiation Procedures (Recodified)
140.950	Factors Considered in Awarding ICARE Contracts (Recodified)
140.952	Closing an ICARE Area (Recodified)
140.954	Administrative Review (Recodified)
140.956	Payments to Contracting Hospitals (Recodified)
140.958	Admitting and Clinical Privileges (Recodified)
140.960	Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
140.962	Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
140.964	Contract Monitoring (Recodified)
140.966	Transfer of Recipients (Recodified)
140.968	Validity of Contracts (Recodified)

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Section	
140.970	Termination of ICARE Contracts (Recodified)
140.972	Hospital Services Procurement Advisory Board (Recodified)
TABLE A	Medichex Recommended Screening Procedures
TABLE B	Health Service Areas
TABLE C	Capital Cost Areas
TABLE D	Schedule of Dental Procedures
TABLE E	Time Limits for Processing of Prior Approval Requests
TABLE F	Podiatry Service Schedule
TABLE G	Travel Distance Standards
TABLE H	Staff Time and Allocation by Need Level (Recodified)
TABLE I	Staff Time and Allocation for Training Programs (Recodified)
TABLE J	HSA Grouping
AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13).	

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; recodified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at

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effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7025, effective April 24, 1989; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.400 Payment to Practitioners, Nurses and Laboratories

- a) This Section applies to physicians, dentists, nurses, optometrists, podiatrists, chiropractors and independent laboratories.
- 1) Practitioners, nurses and independent laboratories are required to bill the Medical Assistance Program at the same rate they charge patients paying their own bills and patients covered by other third party payors.
- 2) A practitioner or nurse may bill only for services he personally provides or which are provided under his direct supervision in his office by his staff, so long as such practice is not in conflict with the Illinois Nursing Act of 1987 and implementing regulations. A practitioner may not bill for services provided by another practitioner even though he may be in the employ of the other.

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Section 140.400

Payment to Practitioners, Nurses and Laboratories (Cont'd)

- 3) Payment will be made only in practitioner's or nurse's name or Department approved alternate payee.
- 2) 4) Payments will be made according to a schedule of State-wide pricing screens established by the Department of Public Aid. (Exception: a nurse midwife will be reimbursed for covered services at 70% of the established screen.) The pricing screens are to be established based on consideration of the market value of the service. In considering the market value, the Department will examine the costs of operations and material. Input from advisory groups designated by statute, generally recognized provider interest groups and the general public will be taken into consideration in determining the allocation of available funds to rate adjustments. Increases in rates are contingent upon funds appropriated by the General Assembly. Reductions or increases may be affected by changes in the market place or changes in funding available for the Medical Assistance Program. Screens will be related to the average State-wide charge. The upper limit for services shall not exceed the lowest Medicare charge levels.
- b) The Department will distribute (initially and upon revision of the amounts) to practitioners, nurses and laboratories the maximum allowable amounts for the most commonly billed procedure codes. Interested individuals may request a copy of the maximum allowable amounts from the Department by directing the request to the Bureau of ~~Non-Institutional Provider Services~~, 931-East-Washington, Medical Practitioner Services, Prescott E. Bloom Building, 201 South Grand Avenue East, Springfield, Illinois 62763-0001. In addition, a participating individual practitioner may request the maximum allowable amounts for less commonly billed specific procedures that relate to the individual's practice. This request must be in writing and identify specific procedure code(s) and associated descriptions.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

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Section 140.435 Nurse Services

- a) Payment for nurse services shall be made only to licensed nurses. Payment for nurse midwife services shall be made only to a registered professional nurse (R.N.) who holds a valid Illinois license and is legally authorized under State law or regulation to practice as a nurse-midwife so long as such practice is not in conflict with the Illinois Nursing Act of 1987 and its implementing regulations and has completed a program of study and clinical experience for nurse-midwives accredited/approved by the American College of Nurse-Midwives. A nurse-midwife must have and maintain a current agreement with a physician licensed to practice medicine in all its branches who has hospital delivery privileges. A copy of this signed agreement must be on file with the Department.

- b) Payment shall be made for nurse services specified below.

1) In-Home Nursing Services

2) Private duty nursing services

- c) Payment shall be made for nurse midwife services for the management and care of women through the maternity cycle including the six weeks postpartum checkup and the management and care of newborn babies up to six weeks following delivery, so long as such practice is not in conflict with the Illinois Nursing Act of 1987 and its implementing regulations.

(Source: Added at 14 Ill. Reg. _____, effective _____)

Section 140.436 Limitations on Nurse Services

The following limitations apply to nurse and nurse-midwifery services:

a) Prior Approval

- 1) Prior approval is required for:

- A) In-home nursing services
B) Private duty nursing services

Section 140.436 Limitations on Nurse Services (Cont'd)

- 2) The decision to deny or approve a request will be made within 21 days of the date the request is received and all necessary information is received.

- b) Payment shall be made for in-home nursing services only when there is no Medicare certified home health agency available to provide the needed services and the cost of the in-home care is less than alternate care in a group care facility.

- c) In-home and private duty nursing services and nurse-midwifery services provided to recipients of General Assistance and Aid to the Medically Indigent (categories 07 and 97) or the Migrant Medical Program (category 97) are not reimbursable.

- d) The following will not be reimbursed:

- 1) Nursing services provided in the role of Physician Assistant or Nurse Practitioner.

- 2) Mileage to and from place of service.

- 3) Provision of equipment and supplies.

- 4) X-rays, except for ultrasounds of the pregnant uterus.

- 5) Amniocentesis.

- 6) Consultations between nurse-midwives or between nurse-midwife and a physician.

- 7) Services not specified in the Department's Nurse Handbook.

(Source: Added at 14 Ill. Reg. _____, effective _____)

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1) Heading of the Part:

Emergency Medical Services Code

2) Code Citation:

77 Ill. Adm. Code 535

3) Section Numbers:

535.10, 535.20

535.100

535.110

535.120

535.150

535.200

535.210

535.265

535.300

535.310

535.320

535.330

535.335

535.350

535.400

535.410

535.420

535.430

535.432

535.440

535.450

535.500

535.510

535.520

535.530

535.532

535.540

535.550

535.650

535.750

535.900

535.920

Proposed Action:

Amendments

Amendments

Amendments

Amendments

Amendments

Amendments

Amendments

Amendments

Amendments

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4) Statutory Authority:

Emergency Medical Services Systems Act
 Ill. Rev. Stat. 1987, ch. 111 1/2, par. 5501 et seq., as amended by
 P.A. 85-1246, effective August 30, 1988 and P.A. 86-439, effective
 August 30, 1989.

5) A Complete Description of the Subjects and Issues Involved:

The Emergency Medical Services program includes rules for the licensure of ambulances, the certification of ambulance personnel (EMTs) and the approval of EMS Systems. The proposed changes to these rules will clarify areas in which the Department and the Emergency Medical Services Council believed more specific language was needed.

In Section 535.10, the words "Ambulance Service Provider" have been added to the definition of "Ambulance Provider" in accordance with P.A. 86-439.

In Section 535.10, the definition of "Emergency Medical Technician - Paramedic" has been changed so that no sponsorship or employment shall be required for training or holding certification as an EMT-P in accordance with P.A. 85-1246.

In Section 535.100, language has been added so that ambulance service providers rather than vehicles can be licensed in accordance with P.A. 86-439.

Section 535.110 has been expanded to include provisions for nonrenewal, suspension or revocation of an ambulance license in addition to denial of license.

In Section 535.120, language was added to specify that applications for removal of licenses must be on a form furnished by the Department.

In Section 535.150 (a)(1) and (2), the federal agency citation has been corrected to read "the U.S. General Services Administration's".

In Section 535.150 (b)(1)(A)(iv), 3-point fasteners for patient litters are specified.

In Section 535.150 (b)(4)(M), the option of a lateral C-Spine and head immobilization device has been added to the approved equipment for ambulances.

In Section 535.150 (b)(5)(Q)(vi), skin condition has been added to the minimum information required on an ambulance run sheet.

In Section 535.150 (b)(5)(AA), non-porous disposable gloves have been added to the medical supplies required on an ambulance.

In Section 535.150 (b)(5)(BB), an isolation bag has been added to the medical supplies required on an ambulance.

In Section 535.150 (g)(1), a statement has been added that "Any operation of an ambulance while transporting a patient to a hospital shall be done

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in accordance with the requirements of the Act and this Part."

In Section 535.150 (g)(2), language has been changed to be more specific.

In Section 535.150 (g)(3), a list detailing the minimum physical conditions which must be recorded for each patient transported to a hospital has been added.

Section 535.150 (g)(4) has been reworded to be more specific.

Section 535.150 (g)(5) has been reworded for clarity.

In Section 535.200 (j), a list has been added which details those changes which shall be considered modifications of a System Program Plan.

In Section 535.210 (h)(5), a requirement that a Resource Hospital develop or approve ambulance run sheets has been added.

In Section 535.210 (i)(6), a requirement that a Resource Hospital develop a protocol for informing a person requesting an ambulance when the vehicle is responding outside its primary coverage area has been added.

In Section 535.210 (k)(20), a requirement that an ambulance provider participating in an EMS System must agree to follow the approved EMS policies and protocols of the System has been added.

In Section 535.210 (m)(8)(L), "physician on the scene" was added to the list of issues for which medical-legal policies must be developed.

In Section 535.265 (b), language was added to allow the System Review Board to modify a suspension as well as affirm or reverse it. In the same Subsection, language was added to make the Board's decision binding unless it is reversed or modified by the State EMS Disciplinary Review Board.

In Section 535.265 (d), an inaccurate citation has been corrected.

Section 535.300 (a) has been reworded for clarity.

In Section 535.300 (b), applications for approval of training programs will be required to be submitted sixty days in advance of a class instead of thirty days.

Section 535.300 (c) has been changed to correct the citation of the U.S. DOT Curriculum.

Section 535.300 (g) has been reworded for clarity.

Sections 535.300 (h) and (i) have been reorganized and reworded for

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clarity.

Section 535.310 (a) has been changed to correct the citation of the U.S. DOT Curriculum.

Section 535.310 (b) has been reworded for clarity.

Sections 535.310 (a) and (b) have been reorganized and reworded for clarity.

In Section 535.310 (c), a requirement has been added that a candidate must hold a high school diploma or equivalent.

In Section 535.320, the Department's requirements for EMT-A certification have been reworded for clarity.

In Section 535.330 (a)(2)(A), the requirement of 20 hours of refresher training has been deleted and the definition of "a current CPR certificate" has been expanded to detail what is specifically required.

Section 535.330 (b) has been reworded for clarity and moved to a new Section 535.335, EMT-A Continuing Education.

Section 535.335 has been added to specifically state approval requirements for continuing education.

Section 535.350 provided a penalty for individuals who actively function as EMT-As without current certification. This penalty is based on Section 5520 of the Act; this Section of the Act, however, refers to ambulance operation and employers, not to individuals who may function as an EMT-A. Since the penalty clause is based on an incorrect interpretation of the Act, the Department has repealed it.

In Section 535.400 (a), a statement that an EMT-I program can only be conducted by an EMS System has been added for clarity.

Section 535.400 (b) has been reworded for clarity.

In Section 535.400 (c), applications for approval of training programs will be required to be submitted sixty days in advance of a class instead of thirty days.

In Section 535.400 (d), the citation of the U.S. DOT Curriculum has been corrected and modules of the curriculum required have been spelled out. Redundant language has been deleted.

In Section 535.400 (e), "will" has been changed to "shall".

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- Section 535.400 (f) has been reworded for clarity.
- Section 535.400 (h) contains the provisions formerly in (k), reworded for clarity.
- Section 535.400 (j) requires that an EMS System vehicle be available to accommodate a candidate's field experience.
- In Section 535.400 (k), language requiring a second student roster is deleted.
- Section 535.410 (a) has been changed to correct the U.S. DOT citation.
- In Section 535.410 (b), language has been added to permit the Department's designee to administer the State examination. In addition, the Subsection has been reworded for clarity.
- Section 535.410 (c) setting forth requirements to be met prior to testing has been deleted.
- Section 535.420 has been reorganized and reworded for clarity.
- In Section 535.420 (a)(2), the description of the required field internship has been expanded.
- In Section 535.430 (a)(2)(A), the requirement of 20 hours of refresher training has been deleted and the definition of "a current CPR certificate" has been expanded to detail specific requirements.
- In Section 535.430 (b), procedures for denial of recertification have been set forth and language regarding continuing education has been moved to Section 535.432 (a).
- A new Section 535.432 has been added which sets forth all requirements for EMT-I continuing education.
- Section 535.440 (a)(6) and (c) have been reworded for clarity.
- Section 535.440 (d) has been repealed.
- Section 535.450 was based on an incorrect interpretation of the Act and has been repealed.
- In Section 535.500 (a), a statement that an EMT-P program can only be conducted by an EMS System has been added for clarity.
- Section 535.500 (b) has been reworded for clarity.

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- In Section 535.500 (c), applications for approval of training programs will be required to be submitted sixty days in advance of a class instead of thirty days.
- In Section 535.500 (d), the citation of the U.S. DOT Curriculum has been corrected and redundant language has been deleted.
- In Section 535.500 (e), redundant language has been deleted.
- In Section 535.500 (g), language requiring employment or sponsorship has been deleted in accordance with P.A. 85-1246.
- Section 535.500 (h) requires that an EMS System vehicle must be available for field experience.
- In Section 535.500 (i), language requiring a second student roster has been deleted.
- Section 535.500 (j) requires a Project Medical Director to submit a transaction card to IDPH for each EMT-P candidate.
- In Section 535.510 (a), the U.S. DOT citation has been corrected.
- In Section 535.510 (b), language has been added to permit the Department's designee to administer the State examination and the Subsection has been reworded for clarity.
- Section 535.510 (c) setting forth requirements for testing has been deleted.
- Section 535.510 (d) contains redundant language and has been deleted.
- Section 535.520 has been reorganized and reworded for clarity.
- In Section 535.520 (a)(2), the description of the required field internship has been expanded.
- In Section 535.520 (a)(3), an EMT-P is required to be functioning in rather than employed by an EMS System agency, and this must be verified by the Project Medical Director.
- Section 535.520 (b) has been reworded for clarity.
- Section 535.520 (c) has been deleted.
- In Section 535.530 (a)(2)(A), language requiring that continuing education hours be earned in accordance with the System's policies has been added.

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In Section 535.530 (a)(2)(B), the definition of "a current CPR certificate" has been expanded to detail specific requirements.

In Section 535.530 (a)(2)(C), language requiring employment by an EMS vehicle agency has been deleted.

In Section 535.530 (c), language regarding continuing education has been moved to Section 535.532.

Section 535.532 has been added which sets forth all requirements for EMT-P continuing education.

Section 535.540 (a)(6) and (c) have been reworded for clarity.

Section 535.540 (d) and (e) have been deleted.

Section 535.550 was based on an incorrect interpretation of the Act and has been repealed.

In Section 535.650 (a)(4), the statutory citation has been corrected.

Section 535.750 has been expanded to set forth all requirements for applying for a waiver and the Department's standards for granting waivers.

In Section 535.900, a typographical error has been corrected.

In Section 535.920, several typographical errors have been corrected.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates that this proposed rulemaking will become effective approximately six to nine months from the date of publication as proposed in the Illinois Register.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes No X

7) Does this Rulemaking Contain an Automatic Repeal Date? Yes No X

If "yes," please specify the date:

8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes X No

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If "yes," please specify type: 6.02(a) or 6.02(b) X

9) Are there any other Proposed Amendments Pending on this Part?

Yes No X

If Yes:

10) Statement of Statewide Policy Objectives:

The proposed rulemaking will effect hospitals and ambulance services owned by units of local government.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Mr. Robert John Kane, Division of Governmental Affairs, Illinois Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Robert John Kane at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

Date, Time and Location of Public Hearing:

February 23, 1990
10:00 a.m. - Room 9-40
State of Illinois Center
100 West Randolph
Chicago, Illinois 60601

Other Pertinent Information:

This hearing will be for the sole purpose of gathering public comment on the proposed amendments. Persons interested in presenting testimony at this hearing are advised that the Department will adhere to the following procedures in the conduct of the hearing:

1. Each person presenting oral testimony shall provide to the Hearing Officer a written (preferably typed) copy of such testimony at the

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time the oral testimony is presented. No oral testimony shall be accepted without such written copy of the testimony being provided.

2. Each person presenting oral testimony will be limited to 20 minutes for the presentation of such testimony.
3. No person will be recognized to speak for a second time until all persons wishing to testify have done so. All testimony shall conclude at the specific times except that an individual in the midst of presenting testimony shall be allowed to complete the testimony.
4. In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the Hearing Officer may impose such other rules of procedure, including the order of call of witnesses, as deemed necessary.

Name and Address of Agency Contact Person:

Questions regarding these proposed amendments or public hearings shall be directed to:

Mr. Robert John Kane
Administrative Rules Coordinator
Illinois Department of Public Health
525 West Jefferson, Second Floor
Springfield, Illinois 62761

12) Initial Regulatory Flexibility Analysis:

- A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Type of Small Businesses Affected:

Hospitals, ambulance providers

- C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

None.

- D) Types of Professional Skills Necessary for Compliance:

None.

The full text of the Proposed Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETY

PART 535
EMERGENCY MEDICAL SERVICES CODE

SUBPART A: GENERAL

Section
535.10 Definitions
535.20 Incorporated Materials

SUBPART B: COMMUNICATIONS

Section
535.50 General Communications
535.60 EMS Systems Communications

SUBPART C: LICENSURE OF AMBULANCES SERVICE PROVIDERS

Section
535.100 Licensure of Ambulances Service Providers - General
535.110 Denial, Nonrenewal, Suspension and Revocation of Ambulance Service Providers of-License
535.120 Renewal of License
535.130 Repealed Renewal-of-License-Denied
535.140 Repealed Revocation-of-License
535.150 Ambulance Licensing Requirements

SUBPART D: EMERGENCY MEDICAL SERVICES SYSTEM PROGRAM

Section
535.200 Emergency Medical Services System Program - General
535.210 EMS System Program Plan
535.220 Additions to an Approved Program
535.230 EMS System Personnel Standards
535.240 Minimum Standards for Continuing Operation
535.250 Resolution of Conflicts (Repealed)
535.260 System Participation Suspensions
535.265 System Review Board
535.270 State EMS Disciplinary Review Board

SUBPART E: EMERGENCY MEDICAL TECHNICIAN - AMBULANCE TRAINING (EMT-A)

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Section 535.300	Emergency Medical Technician - Ambulance Training - General
535.310	EMT-A Testing
535.315	Fee For Testing
535.320	EMT-A Certification
535.330	EMT-A Recertification
535.335	EMT-A Continuing Education
535.340	Failure to Recertify - Denial of Recertification
535.350	Penalty (Repealed)
SUBPART F: EMERGENCY MEDICAL TECHNICIAN - INTERMEDIATE TRAINING (EMT-I)	
Section 535.400	Emergency Medical Technician - Intermediate Training - General
535.410	EMT-I Testing
535.415	Fee For Testing
535.420	EMT-I Certification
535.430	EMT-I Recertification
535.432	EMT-I Continuing Education
535.435	Failure to Recertify - Denial of Recertification
535.440	EMT-I Inactive Status
535.450	Penalty (Repealed)

SUBPART G: EMERGENCY MEDICAL TECHNICIAN - PARAMEDIC TRAINING (EMT-P)

Section 535.500	Emergency Medical Technician - Paramedic Training - General
535.510	EMT-P Testing
535.515	Fee For Testing
535.520	EMT-P Certification
535.530	EMT-P Recertification
535.532	EMT-P Continuing Education
535.535	Failure to Recertify - Denial of Recertification
535.540	EMT-P Inactive Status
535.550	Penalty (Repealed)

SUBPART H: RECIPROCITY

Section 535.600	Reciprocity
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SUBPART I: SUSPENSION, REVOCATION AND DENIAL OF CERTIFICATION OF EMT's

Section 535.650	Suspension, Revocation and Denial of Certification of EMT's
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SUBPART J: DATA COLLECTION AND EVALUATION

Section 535.700	Data Collection and Evaluation
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SUBPART K: WAIVER PROVISIONS

Section 535.750	Waiver Provisions
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SUBPART L: REGISTERED PROFESSIONAL NURSE (FIELD RN/MICN)

Section 535.800	General Provisions
535.810	Field RN Training
535.820	Field RN Testing
535.830	Field RN Approval
535.840	Field RN Renewal
535.850	MICN Training
535.860	MICN Approval
535.870	Reciprocity

SUBPART M: CERTIFICATION OF SPECIALIZED EMERGENCY MEDICAL SERVICES VEHICLE (SEMSV) PROGRAMS

Section 535.900	Certification of SEMSV Programs - General
535.910	Denial, Nonrenewal, Suspension or Revocation of Certification
535.920	SEMSV Program Certification Requirements for All Vehicles
535.930	Helicopter and Fixed-Wing Aircraft Requirements
535.931	EMS Pilot Specifications
535.932	Aeromedical Crew Member Training Requirements
535.933	Aircraft Vehicle Specifications and Operations
535.934	Aircraft Medical Equipment and Drugs
535.935	Vehicle Maintenance
535.936	Aircraft Communications and Dispatch Center
535.940	Watercraft Requirements
535.941	Watercraft Vehicle Specifications and Operation
535.942	Watercraft Medical Equipment and Drugs
535.943	Watercraft Communications and Dispatch Center
535.950	Off-Road SEMSV Requirements
535.951	Off-Road Vehicle Specifications and Operation
535.952	Off-Road Medical Equipment and Drugs
535.953	Off-Road Communications and Dispatch Center

AUTHORITY: Implementing and authorized by the Emergency Medical Services (EMS) Systems Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 5501 et seq., as amended by Public Act 85-1246, effective August 30, 1988, and Public Act 86-439, effective August 30, 1989).

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SOURCE: Adopted at 5 Ill. Reg. 5670, effective May 19, 1983; amended and codified at 8 Ill. Reg. 11623, effective June 27, 1984; amended at 11 Ill. Reg. 1433, effective February 1, 1987; amended at 11 Ill. Reg. 17219, effective October 15, 1987; amended at 11 Ill. Reg. 20945, effective December 15, 1987; amended at 12 Ill. Reg. 22406, effective December 15, 1988; amended at 13 Ill. Reg. 15414, effective September 15, 1989; amended at 13 Ill. Reg. 15716, effective September 15, 1989; amended at 14 Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

Section 535.10 Definitions

For the purposes of this Part:

"Act" means the Emergency Medical Services (EMS) Systems Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 5501 et seq.; as amended by P.A. 85-1246, effective August 30, 1988).

"Administrative Hearing" means a hearing conducted by the Department pursuant to a Department action to deny, suspend or revoke an EMT certification or an ambulance license, and in conformance with the Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).

"ADVANCED LIFE SUPPORT-MOBILE INTENSIVE CARE (ALS/MIC)(ALS)" MEANS AN ADVANCED LEVEL OF PRE-HOSPITAL AND INTER-HOSPITAL EMERGENCY CARE THAT INCLUDES BASIC LIFE SUPPORT FUNCTIONS, (INCLUDING CARDIOPULMONARY RESUSCITATION (CPR) PLUS CARDIAC MONITORING, CARDIAC DEFIBRILLATION, TELEMETERED ELECTROCARDIOGRAPHY, ADMINISTRATION OF ANTIARRHYTHMIC AGENTS, INTRAVENOUS THERAPY, ADMINISTRATION OF MEDICATIONS, DRUGS AND SOLUTIONS, USE OF ADJUNCTIVE MEDICAL DEVICES, TRAUMA CARE, AND OTHER AUTHORIZED TECHNIQUES AND PROCEDURES) INITIATED FOR THE TREATMENT OF REAL OR POTENTIAL ACUTE LIFE THREATENING CONDITIONS UNDER THE DIRECTION OF A PHYSICIAN LICENSED TO PRACTICE MEDICINE IN ALL OF ITS BRANCHES OR A REGISTERED PROFESSIONAL NURSE/MICN OR REGISTERED PROFESSIONAL NURSE/FIELD RN, AND WHERE AUTHORIZED BY THE PROJECT MEDICAL DIRECTOR IN AN ILLINOIS DEPARTMENT OF PUBLIC HEALTH APPROVED ADVANCED LIFE SUPPORT SYSTEM. (Section 4.01 of the Act).

"ADVANCED LIFE SUPPORT-MOBILE INTENSIVE CARE SERVICES (ALS-MIC)(ALS)" MEANS A HOSPITAL PROVIDING WITH THE APPROVAL OF THE ILLINOIS DEPARTMENT OF PUBLIC HEALTH (See Subpart D of this Part), PRE-HOSPITAL EMERGENCY MEDICAL CARE THROUGH THE USE OF ADVANCED LIFE SUPPORT-MOBILE INTENSIVE CARE PERSONNEL, EQUIPMENT AND VEHICLES UNDER THE DIRECTION OF A PROJECT MEDICAL DIRECTOR. (Section 4.02 of the Act).

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"ADVANCED LIFE SUPPORT PERSONNEL" MEANS PERSONS ENGAGED IN THE PROVISION OF ADVANCED LIFE SUPPORT, AS DEFINED AND REGULATED BY THIS PART PROMULGATED PURSUANT TO THE ACT. (Section 4.03 of the Act).

"Aeromedical crew member" or "Watercraft crew member" or "Off-road SEMSV crew member" means an individual, other than an EMS pilot, who has been approved by a SEMSV Medical Director for specific medical duties in a helicopter or fixed-wing aircraft, on a watercraft, or on an off-road SEMSV used in a Department-certified SEMSV Program (See Sections 535.932(a) and (b), or 535.940(8)(B) through (D), or 535.950(7)(A) and (B) of this Part).

"Alternate Project Medical Director" or "Alternate PMD" means the physician who is designated by the Resource Hospital to direct the ALS/ILS operations in the absence of the Project Medical Director.

"AMBULANCE" MEANS ANY PUBLICLY OR PRIVATELY OWNED VEHICLE THAT IS SPECIFICALLY DESIGNED, CONSTRUCTED OR MODIFIED AND EQUIPPED, AND IS INTENDED TO BE USED FOR, AND IS MAINTAINED OR OPERATED FOR THE EMERGENCY TRANSPORTATION OF PERSONS WHO ARE SICK, INJURED, WOUNDED OR OTHERWISE INCAPACITATED OR HELPLESS (See Subpart C of this Part). (Section 4.05 of the Act).

"Ambulance Service Provider" or "Ambulance Provider" means any individual, group of individuals, corporation, partnership, association, trust, joint venture, individual doing business under an assumed name, unit of local government or other public or private ownership entity which owns and operates a business or service utilizing one or more ambulances or EMS vehicles for the transportation of emergency patients.

"Areawide Hospital Emergency Medical Services (AHES) Committees" means those bodies formed pursuant to Section 1.1 of "AN ACT requiring hospitals to render hospital emergency service in case of injury or acute medical condition and to implement emergency hospital, medical and surgical services on a community or areawide basis" (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 86.1), and in compliance with the Hospital Licensing Requirements (77 Ill. Adm. Code 250.730).

"Associate Hospital" means a hospital participating in an approved EMS System in accordance with the EMS System Program Plan, fulfilling the same clinical and communications requirements as the Resource Hospital. This hospital has neither the primary responsibility for conducting the mobile intensive care personnel training program nor the responsibility for the overall operation of the EMS System program. The Associate Hospital must have a basic or comprehensive Emergency Department with a 24-hour physician coverage. It must have

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a functioning Intensive Care Unit and/or a Cardiac Care Unit. This hospital agrees to replace medical supplies and provide for equipment exchange for participating EMS vehicles.

"Associate Hospital EMS Coordinator" means the EMT-P or Registered Nurse at the Associate Hospital who shall be responsible for duties in relation to the ALS or ILS System, in accordance with the Department-approved EMS System Program Plan.

"Associate Hospital EMS Medical Director" means the physician at the Associate Hospital who shall be responsible for the day-to-day operations of the Associate Hospital in relation to the ALS or ILS System, in accordance with the Department-approved EMS System Program Plan.

"BASIC LIFE SUPPORT (BLS) SERVICES" MEANS THE RENDERING OF BASIC LEVEL OF PRE-HOSPITAL AND INTER-HOSPITAL EMERGENCY CARE, INCLUDING BUT NOT LIMITED TO AIRWAY MANAGEMENT, CARDIOPULMONARY RESUSCITATION, CONTROL OF SHOCK AND BLEEDING AND SPLINTING OF FRACTURES, AS OUTLINED IN A BASIC EMERGENCY CARE COURSE APPROVED BY THE DEPARTMENT AND MEETING THE CURRENT NATIONAL CURRICULUM OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION. (Section 4.06 of the Act).

"CENTRAL COMMUNICATIONS SYSTEM" MEANS A RADIO AND COMMUNICATIONS COMMAND AND CONTROL CENTER OR CENTERS RESPONSIBLE FOR ACCEPTING CALLS FROM THE PUBLIC FOR EMERGENCY MEDICAL SERVICES, FOR DISPATCHING EMERGENCY MEDICAL SERVICES PERSONNEL AND VEHICLES, FOR RADIO COORDINATION OF EMERGENCY MEDICAL SERVICES VEHICLES AND PERSONNEL, FOR COORDINATION OF MEDICAL COMMUNICATIONS BETWEEN EMERGENCY MEDICAL SERVICES PERSONNEL AND PUBLIC SAFETY AGENCIES, AND WHERE APPLICABLE, FOR COORDINATION AND MANAGEMENT OF RADIO FREQUENCIES DEVOTED TO BIOMEDICAL TELEMETRY. (Section 4.07 of the Act).

"Channel, Half-Duplex" means a radio channel that transmits and receives signals, but in only one direction at a time.

"CONSUMER" MEANS A PERSON IN THIS STATE WHO IS A RECIPIENT OR POTENTIAL RECIPIENT OF THE SERVICES PROVIDED BY AN EMERGENCY MEDICAL SERVICES SYSTEM, WHO RECEIVES NO DIRECT OR INDIRECT PERSONAL, FINANCIAL, OR PROFESSIONAL BENEFIT AS A RESULT OF AN ASSOCIATION WITH HEALTH CARE OR EMERGENCY SERVICES OTHER THAN THAT GENERALLY SHARED BY THE PUBLIC AT LARGE, AND WHO IS NOT OTHERWISE CONSIDERED A PROVIDER UNDER THE PROVISIONS OF THIS ACT. (Section 4.08 of the Act).

"DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH, STATE OF ILLINOIS. (Section 4.09 of the Act).

"DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH,

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STATE OF ILLINOIS. (Section 4.10 of the Act).

"Dysrhythmia" means a variation from the normal electrical rate and sequences of cardiac activity, also including abnormalities of impulse formation and conduction.

"Effective Radiated Power (ERP)" means the power gain of a transmitting antenna multiplied by the net power accepted by the antenna from the connected transmitter.

"Electrocardiogram" means a single lead rhythm strip graphic recording of the electrical activity of the heart by a series of deflections which represent certain components of the cardiac cycle.

"EMERGENCY" MEANS A CONDITION OR SITUATION IN WHICH AN INDIVIDUAL DECLARES A NEED FOR IMMEDIATE MEDICAL ATTENTION OR WHEN THAT NEED IS DECLARED BY EMERGENCY MEDICAL PERSONNEL OR A PUBLIC SAFETY OFFICIAL. (Section 4.11 of the Act).

"EMERGENCY MEDICAL SERVICES (EMS) SYSTEM" MEANS AN ORGANIZATION OF PROVIDERS WHICH THROUGH A PROGRAM PLAN SUBMITTED TO AND APPROVED BY THE DEPARTMENT (pursuant to Subpart D of this Part) ENTITLES A HOSPITAL TO UTILIZE QUALIFIED PERSONNEL SPECIFIED IN THE ACT TO PROVIDE OR COORDINATE PRE-HOSPITAL AND INTER-HOSPITAL EMERGENCY CARE AT AN ADVANCED OR INTERMEDIATE LEVEL, TO VICTIMS OF ILLNESS OR INJURY WITHIN THE AREA SPECIFIED IN THE PROGRAM PLAN. ADVANCED OR INTERMEDIATE LEVEL SERVICES MAY INCLUDE THE UTILIZATION OF BLS LEVEL SERVICES. ONE HOSPITAL IN EACH PROGRAM PLAN MUST BE DESIGNATED AS THE RESOURCE HOSPITAL. ALL HOSPITALS AND AMBULANCE PROVIDERS PARTICIPATING IN AN EMS SYSTEM MUST SPECIFY THEIR LEVEL OF PARTICIPATION IN THE PROGRAM PLAN. (Section 4.18 of the Act).

"Emergency Medical Services System Survey" means a questionnaire which provides data to the Department for the purpose of compiling annual reports.

"Emergency Medical Services Vehicle (EMS vehicle)" means any vehicle used for BLS, ILS or ALS, as a special EMS unit or rescue vehicle, operating within an approved EMS System.

"EMERGENCY MEDICAL TECHNICIAN-AMBULANCE" OR "EMT-A" MEANS A PERSON WHO HAS SUCCESSFULLY COMPLETED A COURSE OF INSTRUCTION IN BASIC LIFE SUPPORT SERVICES AS REQUIRED AND IS CURRENTLY CERTIFIED BY THE DEPARTMENT IN ACCORDANCE WITH STANDARDS PRESCRIBED BY THE ACT AND THIS PART, WHO PROVIDES EMERGENCY MEDICAL SERVICES. (Section 4.12 of the Act).

"EMERGENCY MEDICAL TECHNICIAN INTERMEDIATE" OR "EMT-I" MEANS AN EMT-A

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CURRENTLY CERTIFIED BY THE DEPARTMENT WHO HAS COMPLETED A DEPARTMENT APPROVED COURSE OF INSTRUCTION (pursuant to Subpart F of this Part) IN SPECIFIC ADVANCED LIFE SUPPORT-MOBILE INTENSIVE CARE SERVICES AND WHO IS CURRENTLY FUNCTIONING IN A PROGRAM APPROVED BY THE DEPARTMENT TO PROVIDE SUCH SERVICES UNDER THE SUPERVISION AND CONTROL OF A PROJECT MEDICAL DIRECTOR. (Section 4.15 of the Act).

"EMERGENCY MEDICAL TECHNICIAN-PARAMEDIC" OR "EMT-P" MEANS A PERSON WHO HAS SUCCESSFULLY COMPLETED A DEPARTMENT APPROVED COURSE OF INSTRUCTION (pursuant to Subpart G) IN ADVANCED LIFE SUPPORT-MOBILE INTENSIVE CARE SERVICES AND IS CURRENTLY CERTIFIED BY THE DEPARTMENT. NO SPONSORSHIP OR EMPLOYMENT SHALL BE REQUIRED FOR TRAINING OR HOLDING CERTIFICATION AS AN EMT-P. CANDIDATES FOR EMT-P TRAINING MUST BE SPONSORED BY, EMPLOYED BY, OR SHOW DOCUMENTATION OF FUNCTIONING WITHIN A STATE-APPROVED EMS-VEHICLE AGENCY-PROVIDING ADVANCED LIFE SUPPORT-SERVICES. (Section 4.13 of the Act).

"EMS System Coordinator(s)" means the designated individual(s) responsible to the Project Medical Director and Project Director for coordination of the educational and functional aspects of the System program.

"EMS System Program Plan" means the document prepared by the Resource Hospital and approved by the Department which describes the EMS System program and directs the program's operation (see Subpart D of this Part).

"FCC" means the Federal Communications Commission.

"Fixed-wing aircraft" means an engine-driven aircraft that is heavier than air, and is supported in-flight by the dynamic reaction of the air against its wings.

"HEALTH SYSTEMS AGENCY" MEANS A HEALTH SYSTEMS AGENCY AS DEFINED IN 42 USC 300 L-1 (a). (Section 4.14 of the Act).

"Helicopter" or "Rotorcraft" means an aircraft that is capable of vertical take-offs and landings, including maintaining a hover.

"HOSPITAL" HAS THE MEANING ASCRIBED TO IT IN THE HOSPITAL LICENSING ACT (Ill. Rev. Stat. 1987, ch. 111 1/2, par 142 et seq.). (Section 4.04 of the Act).

"Instrument Flight Rules" or "IFR" means the operation of an aircraft in weather minimums below the minimums for flight under visual flight rules (VFR) (See General Operating and Flight Rules, 14 CFR 91.115 through 91.129).

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"Instrument Meteorological Conditions (IMC)" means meteorological conditions expressed in terms of visibility, distance from clouds and ceiling which requires Instrument Flight Rules.

"INTERMEDIATE LIFE SUPPORT CARE" or "ILS" MEANS AN INTERMEDIATE LEVEL OF PRE-HOSPITAL AND INTER-HOSPITAL EMERGENCY CARE THAT INCLUDES BLS CARE, PLUS INTRAVENOUS CANNULATION AND FLUID THERAPY, INVASIVE AIRWAY MANAGEMENT, TRAUMA CARE, AND OTHER AUTHORIZED TECHNIQUES AND PROCEDURES INITIATED FOR THE TREATMENT OF REAL OR POTENTIAL ACUTE LIFE-THREATENING CONDITIONS, UNDER THE DIRECTION OF A PHYSICIAN LICENSED TO PRACTICE MEDICINE IN ALL OF ITS BRANCHES OR A REGISTERED PROFESSIONAL NURSE/MICN OR REGISTERED PROFESSIONAL NURSE/FIELD RN, AND WHERE AUTHORIZED BY THE PROJECT MEDICAL DIRECTOR IN A DEPARTMENT APPROVED EMS SYSTEM. (Section 4.19 of the Act).

"INTERMEDIATE LIFE SUPPORT SERVICES" MEANS A HOSPITAL PROVIDING, WITH THE APPROVAL OF THE DEPARTMENT (See Subpart D of this Part), PRE-HOSPITAL AND INTER-HOSPITAL EMERGENCY MEDICAL CARE THROUGH THE USE OF INTERMEDIATE LIFE SUPPORT MOBILE INTENSIVE CARE PERSONNEL, EQUIPMENT AND VEHICLES, UNDER THE DIRECTION OF A PROJECT MEDICAL DIRECTOR. (Section 4.20 of the Act).

"Mobile Radio" means a two-way radio installed in an EMS vehicle which may not be readily removed.

"Off-Road Specialized Emergency Medical Services Vehicle" or "Off-Road SEMSV" or "Off-Road EMS Vehicle" means a motorized cart, golf cart, ATV (all-terrain-vehicle), or amphibious vehicle which is not intended for use on public roads.

"Participating Hospital" means a hospital participating in an approved EMS System in accordance with the EMS System Program Plan, which may or may not have monitoring capabilities and which receives patients transported by System EMS vehicles under the direction of the Project Medical Director or PMD designee. This hospital agrees to replace medical supplies and provide for equipment exchange for participating EMS vehicles.

"Physician" means any person licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, pars. 4400-1 et seq.).

"Pilot" or "EMS Pilot" means a pilot certified by the Federal Aviation Administration who has been approved by a SEMSV Medical Director to fly a helicopter or fixed-wing aircraft used in a Department-certified SEMSV Program (See Section 535.931 of this Part).

"Portable Radio" means a hand-held radio which accompanies the user

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during the conduct of emergency medical services.

"PRE-HOSPITAL CARE" MEANS THOSE EMERGENCY MEDICAL SERVICES RENDERED TO EMERGENCY PATIENTS FOR ANALYTIC, RESUSCITATIVE, STABILIZING, OR PREVENTIVE PURPOSES, PRECEDENT TO AND DURING TRANSPORTATION OF SUCH PATIENTS TO HOSPITALS. (Section 4.16 of the Act).

"Pre-Hospital Care Provider or System Participant" means an EMT-A, I, P, Ambulance, Ambulance Provider, EMS Vehicle, Associate Hospital, Participating Hospital, EMS System Coordinator, Associate Hospital EMS Coordinator, Associate Hospital EMS Medical Director, Field RN, MICN or Physician serving on an ambulance or giving voice orders over an EMS System and is subject to suspension by the Project Medical Director of that System in accordance with the policies of the EMS System Program Plan approved by the Department.

"Project Director" means the administrator, appointed by the Resource Hospital with the approval of the Project Medical Director, responsible for the administration of the EMS System.

"Project Medical Director" or "PMD" means the physician appointed by the Resource Hospital who has the responsibility and authority for total management of the EMS System. (See Sections 535.210(h) and 535.230(a) of this Part).

"REGISTERED PROFESSIONAL NURSE/FIELD RN" MEANS A REGISTERED NURSE, LICENSED UNDER "THE ILLINOIS NURSING ACT OF 1987", AS AMENDED. (111. Rev. Stat. 1987, ch. 111, pars. 3501 et seq.), WHO HAS BEEN APPROVED BY THE PROJECT MEDICAL DIRECTOR IN A DEPARTMENT-APPROVED EMS SYSTEM, AND WHO HAS SATISFACTORILY COMPLETED ADDITIONAL SUPPLEMENTARY TRAINING INCLUDING BUT NOT LIMITED TO COURSES IN EXTRICATION, TELEMETRY AND COMMUNICATIONS, ADVANCED CARDIAC LIFE SUPPORT, INCLUDING DEFIBRILLATION AND INTUBATION OR ITS EQUIVALENT, AND EITHER TRAUMA NURSE SPECIALIST OR NURSE TRAUMA LIFE SUPPORT OR THEIR EQUIVALENTS AS APPROVED BY THE PROJECT MEDICAL DIRECTOR (Section 4.21 of the Act).

"REGISTERED PROFESSIONAL NURSE/MICN" OR "Mobile Intensive Care Nurse" MEANS A REGISTERED NURSE, LICENSED UNDER "THE ILLINOIS NURSING ACT OF 1987", AS AMENDED. (111. Rev. Stat. 1987, ch. 111, pars. 3501 et seq.), WHO HAS SATISFACTORILY COMPLETED THE MOBILE INTENSIVE CARE NURSE COURSE, INCLUDING TRAINING IN TELEMETRY AND COMMUNICATION, ADVANCE CARDIAC LIFE SUPPORT, AND A PRE-HOSPITAL TRAUMA SUPPORT COURSE OR ITS EQUIVALENT, AS APPROVED BY THE DEPARTMENT. (Section 4.21(a) of the Act).

"Registered Nurse" or "Registered Professional Nurse" or "RN" means a person who is licensed as a professional nurse under The Illinois

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Nursing Act of 1987 (111. Rev. Stat. 1987 ch. 111, pars. 3501 et seq.)

"Resource Hospital" means the hospital with the authority and the responsibility for an EMS System as outlined in the Department-approved EMS System Program Plan (See Subpart D of this Part). The Resource Hospital, through the Project Medical Director, assumes responsibility for the entire program including the clinical aspects, operations and educational programs. This hospital agrees to replace medical supplies and provide for equipment exchange for participating EMS vehicles.

"SEMSV Medical Control Point" or "Medical Control Point" means the communication center from which the SEMSV Medical Director or his or her designee issues medical instructions or advice to the aeromedical, watercraft, or off-road SEMSV crew members.

"SEMSV Medical Director" or "Medical Director" means the physician appointed by the SEMSV Program who has the responsibility and authority for total management of the SEMSV Program, subject to the requirements of the EMS System of which the SEMSV Program is a part (See Section 535.920(e) of this Part).

"SEMSV Program" or "Specialized Emergency Medical Services Vehicle Program" means a program operating within an EMS System, pursuant to a program plan submitted to and certified by the Department, utilizing specialized emergency medical services vehicles to provide emergency transportation to sick or injured persons.

"SPECIALIZED EMERGENCY MEDICAL SERVICES VEHICLE" OR "SEMSV" MEANS A VEHICLE OR CONVEYANCE, OTHER THAN THOSE OWNED OR OPERATED BY THE FEDERAL GOVERNMENT, THAT IS PRIMARILY INTENDED FOR USE IN TRANSPORTING THE SICK OR INJURED BY MEANS OF AIR, WATER, OR GROUND TRANSPORTATION, THAT IS NOT AN AMBULANCE AS DEFINED IN THE ACT. THE TERM INCLUDES WATERCRAFT, AIRCRAFT AND SPECIAL PURPOSE GROUND TRANSPORT VEHICLES NOT INTENDED FOR USE ON PUBLIC ROADS (Section 4.30 of the Act). "primarily intended", for the purposes of this definition, means one or more of the following:

Over fifty (50) percent (%) of the vehicle's operational (e.g. in-flight) hours are devoted to the emergency transportation of the sick or injured,

The vehicle is owned or leased by a hospital or ambulance provider and is utilized for the emergency transportation of the sick or injured,

The vehicle is advertised as a vehicle for the emergency transportation of the sick or injured,

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The vehicle is owned, registered or licensed in another State and is utilized on a regular basis to pick up and transport the sick or injured within or from within this State, or

The vehicle's structure or permanent fixtures have been specifically designed to accommodate the emergency transportation of the sick or injured.

"STATE EMERGENCY MEDICAL SERVICES DISCIPLINARY REVIEW BOARD" MEANS A FIVE-MEMBER BOARD APPOINTED BY THE GOVERNOR TO REVIEW AND AFFIRM, REVERSE OR MODIFY THE DECISION OF A LOCAL SYSTEM REVIEW BOARD TO AFFIRM OR REVERSE A PROJECT MEDICAL DIRECTOR'S ORDER TO SUSPEND AN INDIVIDUAL OR INDIVIDUAL PROVIDER FROM PARTICIPATION WITHIN AN EMS SYSTEM (Section 10.2 of the Act) (See Sections 535.265 and 535.270 of this Part).

"System Participation Suspension" means the suspension from participation within an EMS system of an individual or individual provider, as specifically ordered by that System's Project Medical Director.

"System Review Board" or "Board" means a panel of individuals assembled within an EMS System for the purpose of reviewing a decision by the Project Medical Director to suspend from participation an individual or individual provider participating within that System. The Board shall consist of four (4) voting members and a chairperson who shall vote only in the event of a tie. The Project Medical Director shall appoint as two (2) standing members of the Board, the System Project Director or designee and an emergency room physician from within the System who is not the Project Medical Director. The remaining two (2) voting members and chairperson shall be selected by the suspended participant from a list provided by the Project Medical Director. That list shall consist of the names of six (6) providers from within the System who are in the same provider category and level as the suspended participant. If the suspended participant is a provider in a category or level which consists of less than six (6) providers, the suspended participant may choose the two (2) voting members and chairperson from any of the System's provider lists.

"Telecommunications Equipment" means a radio capable of transmitting and/or receiving voice and electrocardiogram (EKG) signals.

"Telemetry" means the transmission of data by wire, radio, or other means from remote sources to a receiving station for recording and analysis.

"Unit Identifier" is a number assigned by the Department for each EMS

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vehicle in the State to be used in radio communications.

"Watercraft" means a nautical vessel, boat, aircraft, hovercraft or other vehicle that operates in, on or across water.

"911" means an emergency answer and response system in which the caller need only dial 9-1-1 on a telephone to obtain emergency services including police, fire, medical ambulance and rescue.

(Source: Amended at 14 Ill. Reg. _____, effective _____)
Section 535.20 Incorporated Materials

The following regulations, standards and statutes are incorporated or referenced in this Part.

a) Federal guidelines, statutes and regulations:

- 1) U.S. Code 42, The Public Health and Welfare, 42 USC 300 L-1(a). (See Section 535.100).
- 2) Federal Specification for Ambulance, KKK-A-1822B (1985). (See Section 535.150).
- 3) Emergency Medical Technician - Ambulance: National Standard Curriculum (1984). (See Sections 535.300(c) and (h); 535.310(a); 535.335(b); 535.400(c) and (h); 535.410(a); 535.420(a) and (b); 535.500(c) and (e); 535.510(a) and (d) and 535.530(d).)
- 4) United States Department of Transportation, Emergency Medical Technician - Intermediate: National Standard Curriculum (1985). (See Sections 535.400 (c) and (d) (h); 535.410 (a); 535.420 (a) and (b); 535.430(b); 535.432(b).)
- 5) United States Department of Transportation, Emergency Medical Technician - Paramedic: National Standard Curriculum (1985). (See Sections 535.500 (c) and (e); 535.510 (a) and (d); 535.530 (c); 535.532(b); 535.810(b) and (c); 535.850(a) and (b)).
- 6) 47 CFR 90 (1988) (Section 535.60(a))
- 7) Air Taxi Operations and Commercial Operators (14 CFR 135, 1988, Subparts A, Sections 135.1 through 135.43, B, Sections 135.61 through 135.125, C, Sections 135.141 through 135.185, D, Sections 135.201 through 135.229, E, Sections 135.241 through 135.247, F, Sections 135.261, J, Sections 135.411 through 135.443.)

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b) State of Illinois Statutes:

- 1) "AN ACT requiring hospitals to render hospital emergency services in case of injury or acute medical condition and implement emergency hospital, medical and surgical services on a community or areawide basis" (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 86 et seq.). (See Section 535.10).
- 2) Hospital Licensing Act, (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 142 et seq.). (See Section 535.10).
- 3) Medical Practice Act of 1987, (Ill. Rev. Stat. 1987, ch. 111, par. 4400-1 et seq.). (See Section 535.10).
- 4) The Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 3501 et seq.). (See Section 535.10).
- 5) Code of Civil Procedure (Ill. Rev. Stat. 1987, ch. 110, par. 8-2101 et seq.). (See Section 535.700(g)).

c) State of Illinois Regulations

- 1) Rules of Practice and Procedure for Administrative Hearings (77 Ill. Adm. Code 100). (See Sections 535.140(d) and 535.250(g)).
- 2) Hospital Licensing Requirements (77 Ill. Adm. Code 250). (See Sections 535.10, 535.200(d) and 535.210(e)).

- d) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

SUBPART C: LICENSURE OF AMBULANCES SERVICE PROVIDERS

Section 535.100 Licensure of Ambulances Service Providers - General

- a) No person, either as owner, agent, or otherwise shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in the provision of an ambulance vehicle in the state without a current ambulance service provider license issued pursuant to Subpart C of this Part by the Department, provided that the ambulance is not owned, operated, licensed or regulated by a unit of local government.
- b) An Application for license shall be filed with the Department on a form prescribed, prepared and furnished by the Department. The

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application shall contain such information as, but not limited to, applicant name and address, and identification as to make, model, year, and vehicle identification number, contact person, and state vehicle license number, for each vehicle to be covered by the license.

- c) Each license shall be for a period of one year and shall expire one year from the date of issuance.

de) The Department shall issue an annual license upon the receipt of a signed application, if requirements of the Act and this Part are met, as determined by the results of an inspection conducted by the Department pursuant to this Subpart 6-of this Part.

ed) Each license shall be issued to the person named in the application for the vehicles identified in the application. The license shall not be assigned to any other person. ~~not transferred to another vehicle without an inspection of the vehicle pursuant to Subpart 6-of this Part.~~ The Department shall also issue a separate license certificate for each vehicle, which shall be posted in the vehicle at all times. Additional vehicles may be included within the license only after inspection by the Department pursuant to this Subpart. The licensee shall notify the Department, in writing, within ten (10) days if a vehicle covered by the license is permanently removed from service. Such notice shall include returning the license certificate for that vehicle.

- f) The Department shall have the right to make inspections as are necessary in order to determine the status of compliance with the provisions of the Act and this Part.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 535.110 Denial, Nonrenewal, Suspension and Revocation of Ambulance Service Provider License Denial of License

a) The Director, after providing notice and an opportunity for an administrative hearing to the applicant or licensee, shall deny, suspend, revoke or refuse to renew an ambulance service provider license in any case in which it is found that the applicant, licensee or vehicles fail to comply with the requirements of the Act or this Part.

b) If the failure to comply relates only to one or more specific vehicles operated by the applicant or licensee, and the applicant or licensee has one or more vehicles which are in compliance, the Director's action shall be limited to those vehicles which fail to comply with the Act or this Part.

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- c) If the failure to comply concerns all of the provider's vehicles or the provider's operation as a whole, the Director's action shall cover the entire ambulance service provider license.
- d) If the Director finds that the failure to comply can be corrected or remedied within an identified period of time determined necessary to correct the failure prior to the expiration of the license, the Director shall suspend, rather than revoke, the license or portion thereof. If the failure cannot be corrected or remedied within an identified period of time prior to the expiration of the license, or if the provider has a documented history of non-compliance then the Director shall revoke the license or portion thereof.
- e) In the event that an immediate and serious danger to the public's health, safety or welfare exists, the Director shall order an emergency suspension of an ambulance service provider's license or portion thereof. Subsequent to the emergency suspension order, the Director shall promptly initiate proceedings to revoke or suspend the license or portion thereof and provide the licensee with an opportunity for an administrative hearing. The emergency suspension shall remain in effect throughout the course of such proceedings, unless the Director lifts the suspension order after determining that the emergency situation has been corrected or remedied.
- f) All administrative hearings conducted pursuant to this Section shall be governed by the Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).

An application for license may be denied for any of the following reasons:

- a) Failure to meet any of the requirements of the Act and this Part;
- b) Lack of qualified personnel to staff vehicle;

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 535.120 Renewal of License

An application for renewal of license shall be filed with the Department on a form prescribed, prepared and furnished by the Department at least sixty (60) days prior, but not sooner than ninety (90) days before the expiration date of the currently held license.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 535.150 Ambulance Licensing Requirements

- a) Vehicle Design

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- 1) Each vehicle used as an ambulance after the effective date of this Part shall comply with the criteria established by the U.S. General Services Administration's United States Department of Transportation's Specification for Ambulance (KKK-A-1822CB), with the exception of the following sections: 1.2.1 Ambulance Type - "Star of Life"; 3.8.2 Ambulance Emergency Lighting; 3.16.2 Color, paint, and finish; 3.16.4 Emblems and Markings; and 3.22 as determined by the Department by an inspection.
- 2) Each vehicle that does not meet the U.S. General Services Administration's United States Department of Transportation's Ambulance Design Standards (KKK-A-1822CB) as determined by the Department by an inspection, but is operational on the effective date of this Part shall be considered to be in compliance with this Part until there is a transfer of ownership.
- b) Equipment Requirements - Basic Life Support Vehicles
- Each ambulance used as a Basic Life Support vehicle shall meet the following equipment requirements, as determined by the Department by an inspection:

- 1) Stretchers, Cots & Litters
- A) Primary Patient Litter
- i) Wheeled
- ii) At least 70" long and 20" wide
- iii) Allows for the head to be tilted upward to a 60° semi-sitting position
- iv) Provided with 3 point fasteners to sidewall and floor
- v) Designed to insure the frame or handle to permit up to four persons to carry the litter
- B) Secondary Patient Litter
- i) Shall be folding and/or collapsible type
- 2) Oxygen
- A) Installed
- i) Is supplied by at least 3000 liters of oxygen and tank is secured in at least 3 positions so as to provide

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maximum safety for patients and personnel. (M cylinder)

- ii) Is equipped with a reducing valve (from 2000 PSI cylinder to 50 PSI) with pressure gauge
- iii) Is equipped with yoke
- iv) Has a pressure gauge flow meter that will deliver up to 15 liters per minute
- v) Has humidifier with sterile water and unbreakable clear containers
- vi) Has delivery tubes
- vii) Has oxygen outlet accessible to the technician at the head of the primary litter
- viii) Has one each adult, child and infant sized oxygen masks that are semi-open, valveless, transparent and disposable
- ix) Has 3 each nasal cannulas

B) Portable

- i) Is of at least 300 litre capacity (D or E cylinder)
- ii) Is equipped with yoke
- iii) Has pressure gauge flow meter (not gravity-dependent) that will deliver up to 10 litres per minute
- iv) Has delivery tube
- v) Has one each adult, child and infant sized oxygen masks that are semi-open, valveless, transparent and disposable
- vi) Has an additional full 300 litre capacity cylinder carried on the vehicle (D or E cylinder)

3) Suction

A) Installed

- i) Is powerful enough to provide an airflow of over 20 liter/minute at the end of the delivery tube and a

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vacuum of over 300 mm Hg (11.811 inches) when the tube is clamped

- ii) Has vacuum adjustable for use with children and intubated patients
- iii) Has suction yoke, unbreakable collection bottle, water for rinsing, and suction tube accessible to the technician at the head of the primary litter
- iv) Has tube of sufficient length to reach the head of the primary and secondary litters
- v) Is fitted with large-bore, non-kinking, translucent suction tubing
- vi) Has 3 each sterile, single-use suction catheters with on/off control in small, medium and large sizes
- vii) Has 3 each tonsil tip suction handles or catheters, single-use
- viii) Can be disassembled for ease of cleaning and decontamination

B) Portable

- i) Is powerful enough to provide an airflow of at least 12 litres per minute at the end of the suction tube, and a vacuum of at least 300 mm Hg (11.811 inches) to be reached within 12 seconds after tube is clamped
- ii) Has 3 each tonsil tip suction handles or catheters, single-use
- iii) Is fitted with large-bore, non-kinking, translucent suction tubing with sufficient length so that unit does not have to be placed on top of patient
- iv) Has an unbreakable collection bottle capable of holding at least 500 ml
- v) Has 3 each sterile, single-use suction catheters with on/off control in small, medium and large sizes
- vi) Operates from an integral battery supply which is rechargeable and will allow the unit to meet the air flow and suction requirements of this section for at

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least 15 minutes. Portable suction devices which require an operator to squeeze a bulb, pump a pedal, turn a crank, etc., are not acceptable

4) Medical Equipment

- A) Squeeze bag-valve-mask ventilation unit with transparent mask in sizes for adult, child/infant
- B) Lower-extremity traction splint, adult size
- C) Blood pressure cuff, 1 each, adult and pediatric
- D) 2 each stethoscopes
- E) Pneumatic counter pressure trouser kit, adult size
- F) Long spine board with 2 each torso straps, 9 feet in length, wrist restraint(s), 1 each chin and head strap
- G) Short spine board with 2 each torso straps, 9 feet in length, wrist restraint(s), 1 each chin and head strap or vest type (wrap around) extrication device kit
- H) Airway kits-select one (1)
 - i) Oropharyngeal-adult, child and infant sizes
 - ii) Mouth-to-mouth artificial ventilation - adult, child and infant sizes, commonly referred to as "S" tubes or resuscitator-tubes
- I) Bandage shears, 1 each
- J) Padded board splints, 2 each 15"x3" (or equivalent)
- K) Padded board splint, 1 each 4'6"x3" (or equivalent)
- L) Rigid cervical collars - 1 each, small, medium and large sizes. Shall be made of rigid material to minimize flexation, extension and lateral rotation of the head and cervical spine when spine injury is suspected
- M) Sand bags - 4 each, about 4 inches in width, 2 inches in thickness and 12 inches in length or lateral C-Spine and head immobilization device(s)
- N) Patient restraints, arm and leg, sets

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- O) Hypothermic thermometer or electronic thermometer capable of aiding in the diagnosis of hypothermia - 1 each

5) Medical Supplies

- A) Trauma dressing - 6 each
- B) Sterile gauze pads - 20 each, 4 inches by 4 inches
- C) Bandages, soft roller, self adhering-type, 10 each, 6 inches by 5 yards
- D) Vaseline gauze - 2 each, 3 inches by 8 inches
- E) Adhesive tape rolls - 2 each
- F) Triangular bandages or slings - 5 each
- G) Burn sheets - 2 each, sterile
- H) Sterile solution (normal saline) - 4 each, 500 cc or 2 each, 1,000 cc plastic bags
- I) Aluminum foil roll or Silver Swaddler - 1 each
- J) Bite sticks - 2 each
- K) Obstetrical kit, sterile - 1 each, pre-packaged with instruments
- L) Syrup of Ipecac, 1 each
- M) Cold packs, 3 each
- N) Emesis basin - 1 each
- O) Drinking water - 1 quart, in non-breakable container, Sterile water may be substituted
- P) Disposable drinking cups - 5 each
- Q) Ambulance emergency run reports - 10 each, with space for the following minimum information:
 - i) Signatures of EMTs present on the ambulance run and their Illinois certification numbers or identifier numbers

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- ii) Time left garage
- iii) Time on scene/time left scene
- iv) Time arrived at receiving facility
- v) Six-digit ambulance license number (Secretary of State issued)
- vi) Blood pressure, pulse, skin condition and respiration of the patient upon arrival at the scene
- vii) Level of consciousness
- viii) Chief complaint of the patient
- ix) Treatment rendered by the EMTs present
- R) Pillows - 2 each, for ambulance cot
- S) Pillowcases - 2 each, for ambulance cot
- T) Sheets - 2 each, for ambulance cot
- U) Blankets - 2 each, for ambulance cot
- V) CPR mask - 1 each, with safety valve to prevent backflow of expired air and secretions
- W) Hot packs - 3 each
- X) Urinal - 1 each
- Y) Bedpan - 1 each
- Z) Remains bag - 1 each
- AA) Non-porous disposable gloves
- BB) Isolation bag

c) Equipment Requirements - Intermediate and Advanced Life Support Vehicles

Each ambulance used as an Intermediate Life Support vehicle or as an Advanced Life Support vehicle shall meet the requirements in Section 535.150(b) and shall also comply with the equipment and supply requirements as determined by the Project Medical Director in the

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System in which the ambulance and its crew participate.

d) Equipment Requirements - Rescue and/or Extrication

Each ambulance shall document the mechanism and agency that provides rescue services, and carry the following:

- 1) Wrench, 12" with adjustable open end
- 2) Screwdriver, 12" with regular blade
- 3) Screwdriver, 12" Phillips type
- 4) One of these:
 - A) Hammer, 3-pound, with 15" handle
 - B) Fire axe, flat head
 - C) Wrecking bar, 24"
- 5) Goggles for eye safety
- 6) Fire extinguisher - 2 each, ABC dry chemical, minimum 5 pound unit with quick release brackets. One mounted in driver compartment and one in patient compartment
- 7) Flashlight - 1 each, battery powered 6 volt, stand-up lantern type

e) Equipment Requirements - Communications Capability

Each ambulance must have ambulance to hospital radio communications capability and meet the requirements provided in Section 535.50 of this Part.

f) Personnel Requirements

- 1) Each ambulance shall be staffed by two EMTs on all emergency calls.
- 2) Each ambulance used as an Intermediate Life Support vehicle shall be staffed with a minimum of one EMT-I and one other EMT. Each ambulance used as an Advanced Life Support vehicle shall be staffed with a minimum of one EMT-P and one other EMT.
- 3) Each ambulance provider that operates an emergency transport vehicle shall ensure through written agreement with the EMS

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System that the agency providing emergency care at the scene and en route to a hospital meets the requirements of this Subpart.

- g) Operational Requirements
- 1) Any operation of an ambulance while transporting a patient to a hospital shall be done in accordance with the requirements of the Act and this Part.
 - 2) A Each licensee shall agree to operate its the ambulance in compliance with this Part, twenty-four hours a day, every day of the year.
 - 3) For each patient transported to a hospital, the ambulance staff shall, at a minimum, measure and record the patient's blood pressure, pulse, respiration, skin condition and level of consciousness.
 - 4) A The licensee shall agree to provide emergency service within the service area on a per need basis without regard to the patient's ability to pay for such service.
 - 5) A The licensee shall provide documentation of its back-up procedures to be followed when a call for service is received and a vehicle is not available, including copies of mutual aid agreements with other ambulance providers. mutual aid-agreements-with services-in-adjointing-communities-and/or-other-services-within-the-service-area-for alternate methods-of providing-services.

- h) AGENCY NOTE: Any provider may request a waiver of any requirements in this Section under the provisions of Section 535.750. Examples of situations in which waivers of the requirement that ambulances carry pneumatic counter pressure trouser kits will be granted are as follows: When the Department is notified that a hospital or Project Medical Director will not order the use of a pneumatic counter pressure trouser kit or M.A.S.T. trousers by emergency medical personnel on a Basic Life Support Vehicle; and that a waiver is necessary to allow adequate time or progressive procurement of the pneumatic counter pressure trouser kits over a period of one to three years for those ambulance agencies that claim financial hardship.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 535.200 Emergency Medical Services System Program - General

- a) The provisions of this Subpart shall apply to all hospitals, ambulance providers and personnel participating in the delivery of

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Advanced Life Support/Mobile Intensive Care and/or Intermediate Life Support/Mobile Intensive Care to the sick and injured at the scene of an emergency, during transport to a hospital or during inter-hospital transport, and within a hospital emergency department until the responsibility for the care of the patient is assumed by the medical personnel at the receiving hospital.

- b) The emergency care described in Subsection 535.200(a) shall only be offered or rendered through an approved Emergency Medical Services (EMS) System. An EMS System shall not become operational nor shall any training of System personnel begin until a letter of approval has been issued by the Department.
- c) An applicant for EMS System approval shall submit to the Department three copies of a written System Program Plan signed by the Project Medical Director which includes all of the information and documentation required by Section 535.210 of this Subpart.
- d) An approved System which desires to modify its System Program Plan shall submit to the Department a written amendment signed by the Project Medical Director, along with a written statement of approval from its AHES Committee. A System shall not implement a modification to its approved Program Plan until a letter of approval has been issued by the Department.
- e) After receiving a Program Plan for a proposed EMS System or an amendment to an approved System Program Plan, the Department shall notify the applicant or System within thirty (30) days if its Program Plan or amendment is incomplete. Such notice shall include a description of the information or documentation needed to complete the Program Plan or amendment.
- f) After receiving a complete Program Plan for a proposed EMS System or amendment to an approved System Program Plan, the Department shall issue a letter of approval or disapproval within 120 days. A letter of disapproval shall include the reasons for disapproval. The Department shall approve EMS Systems which meet the requirements of this Part and the Act.
- g) The Department shall not review requests for equipment or training grants until a letter of approval has been issued by the Department.
- h) The Department shall inspect, pursuant to a complaint filed with the Department or as it deems necessary to verify compliance with the Act and this Part, any equipment, records or vehicles used or maintained by a proposed or approved EMS System or by any provider participating in a proposed or approved EMS System. Routine inspections shall be conducted no more often than every three years.

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- i) Letters of commitment required in Section 535.210 shall be updated at least every three years.
- j) A hospital is not required to join an AHES committee. However, if it has elected to do so, the hospital shall comply with its commitments as outlined in the plan administered by the AHES committee and shall be subject to the provisions of subsection (d) and Sections 535.210(e) and 535.220 of this Part.
- k) For the purposes of this Part, changes in any of the following shall be considered modifications of a System Program Plan:
- 1) Resource Hospital, Associate Hospital or Participating Hospital,
 - 2) Project Medical Director,
 - 3) AHES participation,
 - 4) System service area (See Section 535.210 (f) of this Part),
 - 5) Written standing orders (See Section 535.210 (m) (1) of this Part),
 - 6) Methods(s) of providing EMS services (See Section 535.210 (i) of this Part),
 - 7) Specific role(s) of Associates or Participating Hospital(s),
 - 8) Role(s) of specific ambulance providers (See Section 535.210 (k)(2) of this Part),
 - 9) Response areas of specific ambulance providers (See Section 535.210 (k)(3) of this Part),
 - 10) Access and dispatch procedures and mechanism (See Section 535.210 (k)(14) of this Part),
 - 11) Communications plan (See Sections 535.60 (a)(1) through (14), (h) and (i), 535.210 (m)(4)(B) and (C) of this Part),
 - 12) Equipment and drug requirements (See Section 535.210 (m)(2) of this Part),
 - 13) System training, continuing education and examination requirements,
 - 14) Quality Assurance policies (See Section 535.210 (m)(5) of this Part),

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- 15) Data collection and evaluation policies (See Section 535.210 (m)(6) of this Part),
- 16) Override policies (See Section 535.210 (m)(7)(B) of this Part),
- 17) Disciplinary/suspension policies or procedures (See Section 535.210 (m)(9) of this Part).
- (Source: Amended at 14 Ill. Reg. _____, effective _____)
- Section 535.210 EMS System Program Plan
- An Emergency Medical Services (EMS) System Program Plan shall contain the following information:
- a) The name and address of the Resource Hospital;
 - b) The names and resumes of the following persons:
 - 1) The Project Medical Director,
 - 2) The Project Director,
 - 3) The EMS System Coordinator.
 - c) The names and addresses of each Associate or Participating Hospital;
 - d) The names and addresses of each ambulance provider participating within the EMS System;
 - e) A letter from the appropriate AHES committee which contains the following:
 - 1) A statement that the Resource Hospital meets the requirements of a basic or comprehensive emergency facility (See "Basic" and "Comprehensive" emergency services as defined in Section 250.710 of the Hospital Licensing Requirements (77 Ill. Adm. Code 250));
 - 2) A brief description of the AHES area including categorization scheme, a specialty availability and critical care referral patterns, and
 - 3) A statement that the proposed EMS System Program Plan has been reviewed and approved.
 - f) A map of the EMS System's service area indicating the locations of all hospitals and ambulance providers participating in the System;

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g) Letters of commitment from the following persons at the Resource Hospital, which describe the commitment of the writer and his or her office to the development and ongoing operation of the EMS System, and which state the writer's understanding of and commitment to any necessary changes such as emergency department staffing and educational requirements:

- 1) The Chief Executive Officer of the hospital;
 - 2) The Chief of the Medical Staff, and
 - 3) The Director of the Nursing Services.
- h) A letter of commitment from the Project Medical Director which describes the PMD's agreement to:

- 1) Be responsible for the ongoing education of all System personnel including coordinating didactic and clinical experience;
- 2) Develop written standing orders (treatment protocols, standard operating procedures) to be used in the PMD's absence and certify that all involved personnel will be knowledgeable in emergency care and capable of providing treatment and using communications equipment once the program is operational;
- 3) Provide the name and resume of the Alternate Project Medical Director;
- 4) Be responsible for supervising all personnel participating within the System, as described in the System Program Plan;
- 5) Develop or approve one or more ambulance emergency run reports (run sheets) covering all types of ambulance runs performed by System ambulance providers;
- 65) Ensure that the Department has access to all records, equipment and vehicles under the authority of the PMD, during any Department inspection, investigation or site survey;
- 76) Notify the Department of any changes in personnel providing pre-hospital care in accordance with the EMS System Program Plan approved by the Department;
- 87) Be responsible for the total management of the System, including the enforcement of compliance with the System Program Plan by all participants within the System; and;
- 98) Ensure that a copy of the application for renewal (a form

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supplied by the Department) is provided to every EMT-I or EMT-P within the System who has NOT been recommended for recertification by the Project Medical Director; and

- 109) Be responsible for compliance with the provisions of Sections 535.260 and 535.265 of this Part.

i) A description of the method(s) of providing EMS services which includes the protocols for:

- 1) single vehicle response and transport;
- 2) dual vehicle response;
- 3) level of first response vehicle;
- 4) level of transport vehicle; and
- 5) use of mutual aid agreements; and
- 6) informing the caller requesting an emergency vehicle when the vehicle is responding outside its primary coverage area.

j) A letter of commitment from each Associate or Participating Hospital within the System which includes the following:

- 1) Signed statements by the hospital's Chief Executive Officer, Chief of the Medical Staff and Director of the Nursing Service describing their commitments to the standards and procedures of the System;
- 2) A description of how the hospital will relate to the EMS System Resource Hospital, its involvement in the ongoing planning and development of the program, and its utilization of the education and continuing education aspects of the program;
- 3) A commitment to meet the System's educational standards for MICNs and Field RNs;
- 4) An agreement to provide exchange of all drugs and equipment with all pre-hospital providers participating in the System;
- 5) An agreement to utilize the standard treatment orders as established by the Resource Hospital;
- 6) An agreement to follow the operational policies and protocols of the System;

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- 7) An agreement to participate in the training and continuing education of pre-hospital personnel;
 - 8) An agreement to collect and provide relevant data as determined by the Resource Hospital;
 - 9) A description of the hospital's data collection and reporting methods and the personnel responsible for maintaining all data;
 - 10) The names and resumes of the Associate Hospital EMS Medical Director and Associate Hospital EMS Coordinator;
 - 11) An agreement to allow the Department access to all records, equipment and vehicles relating to the System during any Department inspection, investigation or site survey, and
 - 12) If the hospital is a participant in another System, a description of how it will interact within both Systems and how it will ensure that communications interference as a result of this dual participation will be minimized.
- k) A letter of commitment from each ambulance provider participating within the System which includes the following:
- 1) For each EMS vehicle participating within the System:
 - A) The year, model, make, and vehicle identification number;
 - B) The license plate number;
 - C) The Department license number, unless exempt from Department licensure (See Section 9 of the Act);
 - D) The base location address, and
 - E) The level of service (advanced, intermediate or basic).
 - 2) A description of its role in providing advanced life support, intermediate life support, basic life support and patient transport services with the System;
 - 3) Definitions of the primary, secondary and outlying areas of response for each EMS vehicle used within the System;
 - 4) A map or maps indicating the base locations of each EMS vehicle, the primary, secondary and outlying areas of response for each EMS vehicle, the population base of each service area and the square mileage of each service area;
 - 5) A commitment to optimum response times of 4-6 minutes in primary coverage areas, 10-15 minutes in secondary coverage areas, and 15-20 minutes in outlying coverage areas;

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- 6) A commitment to twenty-four (24) hour coverage;
- 7) A commitment that within one (1) year after Department approval of the EMS System, each ambulance at the scene of an emergency and during transport of emergency patients to and between hospitals will be staffed in accordance with the requirements of Section 535.150 (f)(1) and (2);
- 8) Copies of written mutual aid agreements with other providers and/or a description of the provider's own back-up system, which detail how adequate coverage will be ensured when an EMS vehicle is responding to a call and a simultaneous call is received for service within that vehicle's coverage area;
- 9) A statement that emergency services which an EMS vehicle is authorized to provide shall not be denied on the basis of the patient's inability to pay for such services;
- 10) An agreement to file an appropriate EMS run sheet or form for each emergency call, as required by the System;
- 11) An agreement to maintain the equipment required by Section 535.150 and by the System, in working order at all times, and to carry the medication as required by the System;
- 12) An agreement to notify the Project Medical Director of any changes in personnel providing pre-hospital care in the System in accordance with the policies in the System Manual;
- 13) A copy of its current FCC license(s);
- 14) A description of the mechanism and specific procedures used to access and dispatch the EMS vehicles within their respective service areas;
- 15) A list of all personnel providing pre-hospital care, their certification numbers, expiration dates and levels of certification (EMT-A, EMT-I, EMT-P), their Field RN or MD status;
- 16) An agreement to allow the Department access to all records, equipment and vehicles relating to the System during any Department inspection, investigation or site survey;
- 17) An agreement to allow the Project Medical Director or designee access to all records, equipment and vehicles relating to the System during any inspection or investigation by the PMD or designee to determine compliance with the System Program Plan;

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- 18) Documentation that its communications capabilities meet the requirements of Section 535.50 of this Part;
- 19) Documentation that each EMS vehicle participating in the System complies with the vehicle design, equipment and extrication criteria as provided in Section 535.150(a)(1) and (b) of this Part, and
- 20) An agreement to follow the approved EMS policies and protocols of the System.
- 1) Descriptions and documentation of each communications requirement provided in Section 535.60 of this Part;
- m) A System Manual, the format of which shall be System specific as to organization, which shall contain but not be limited to items (1) through (11) in the following subparagraphs; and which except for training program examinations and quizzes, student and instructor evaluations, and any examinations used to test or monitor System participants' proficiency, shall be available to all System participants. The entire Manual shall be available to any agency authorized to evaluate, survey or accredit the program.
- 1) The Project Medical Director's written standing orders (treatment protocols, Standard Operating Procedures) to be used in the PMD's absence, including the circumstances under which the MICN will call the PMD or a designated physician to the operational control point, and what the nurse's limitations are;
- 2) A list of all equipment and drugs required for EMS vehicles;
- 3) The System's program and requirements for the training and continuing education of EMTs, Field RNs and MICNs including but not limited to:
- A) Curriculum (EMT training programs shall be taught in accordance with the United States Department of Transportation (DOT) Emergency Medical Technician National Standard Curriculum, 1984);
- B) Teaching schedules;
- C) Training program examinations, including the formats to be

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- used (i.e., essay, multiple-choice, classroom or take-home quizzes, practical examinations);
- D) Clinical experiences;
- E) Training program entrance and successful completion requirements;
- F) Training program student and instructor evaluations;
- G) Clinical and didactic recertification requirements, including a requirement that each EMT's continuing education records shall be kept on file at the Resource Hospital, and that copies shall be provided to the EMTs, and
- H) System examinations, if any, used to test and monitor an EMT's continued proficiency to render the level of care for which the EMT is certified.
- 4) Communications standards and protocols including:
- A) The information contained in the System Program Plan relating to the requirements of Sections 535.60(a)(1), (2), (3) and (4), 535.60(b) and 535.60(g);
- B) Protocols ensuring that physician direction and voice orders to EMS vehicle personnel and other hospitals participating in the System are provided from the operational control point of the Resource or Associate Hospital, and
- C) Protocols ensuring that voice orders via radio and using telemetry shall be given by or under the direction of the Project Medical Director or the PMD's designee, who shall be either an MICN, a Field RN or a physician.
- 5) Quality assurance measures for patient care, ambulance operation and System training activities, including but not limited to monitoring training activities to ensure that the instruction and materials are consistent with United States Department of Transportation training standards for EMTs and Section 4 and 13 of the Act, unannounced inspections of pre-hospital services, and internal provider self-assessments.
- 6) Data collection and evaluation methods which include:
- A) The mechanism for collecting data from hospitals and pre-hospital providers;

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- B) A copy of the pre-hospital reporting form;
- C) The method employed to evaluate data and to notify and correct patient care or reporting discrepancies;
- D) A sample of the information and data to be reported to the Department summarizing System activity, and
- E) The System's procedure for ensuring the confidentiality of patient names and patient identifying information;
- 7) Operational policies which delineate the respective roles and responsibilities of all providers in the System regarding the provision of emergency services, including:
 - A) Abuse of controlled substances by System personnel;
 - B) Resource Hospital overrides (situations in which Associate Hospital orders are overruled by the Resource Hospital);
 - C) Infectious disease and disinfection procedures, and
 - D) Reporting and documentation of problems.
- 8) Medical-Legal policies addressing:
 - A) A patient's right of refusal;
 - B) Transport to closest hospital/bypass;
 - C) Patient hospital preference;
 - D) Minor patient/guardian consent;
 - E) Patient abandonment;
 - F) Coroner policy;
 - G) Emotionally disturbed patients;
 - H) Do not resuscitate situations;
 - I) Patient confidentiality/release of information;
 - J) Interaction with law enforcement/evidence; and
 - K) Reporting of suspected crimes (i.e., child abuse); and

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L) Physician on the scene.

- 9) Any procedures regarding disciplinary/suspension decisions and the review of those decisions which the System has elected to follow in addition to those required by the Act,
- 10) The responsibilities of the EMS Coordinator(s), as designated by the Project Medical Director, including data evaluation, supervision of clinical, didactic and field experience training, and physician and nurse education as required, and
- 11) The responsibilities of the Project Director.
- n) If the Resource Hospital for a proposed EMS System is currently participating in an existing System, the following additional information must be provided:
 - 1) A clear description of its current role and status within the existing System;
 - 2) Its rationale for separating from the existing System and developing its own program;
 - 3) A description of the methods to be used for ensuring the coordination of emergency services with adjacent Systems, including the System which it proposes to leave;
 - 4) A statement detailing the effect which the proposed change will have on the area's pre-hospital services and patient referral patterns;
 - 5) A statement summarizing the steps to be taken to ensure that the necessary quality and level of care will be maintained during the implementation phase of the proposed System;
 - 6) A statement detailing the effect which the proposed System will have on the current radio communications systems utilized in the area;
 - 7) A detailed description of its communications system design, including the expected delivery dates for equipment which has been purchased, leased or ordered, and
 - 8) If the proposed System intends to use, borrow or lease any communications equipment or facilities from an existing System, a copy of a specific contract or agreement authorizing such arrangement shall be attached.

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(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 535.265 System Review Board

- a) Any EMS System participant suspended from participation by the Project Medical Director pursuant to Section 535.260(a) of this Part may request a hearing before that System's Review Board ("Board") within fifteen (15) days after the date of suspension. Such request shall be made in writing via certified mail to the Project Medical Director. The Project Medical Director shall notify the two (2) standing members of the Board that a hearing has been requested. The suspended participant shall be responsible for consulting the posted lists of providers which are described in Sections 535.10 and 535.260(c) of this Part. The suspended participant shall select from the appropriate list(s) the names of two (2) voting members and a chairperson. The Project Medical Director shall provide additional names, as needed, if the suspended participant is unable to satisfactorily select three (3) names from the initial list of six (6).

- b) The Project Medical Director shall schedule the Board to meet within three (3) business days after the suspended participant has selected the three (3) remaining members of the Board. The Board shall review and consider any testimony and documentation related to the issue at hand which is offered by either party to the suspension issue. Both the suspended participant and the System may be represented by legal counsel. A copy of the hearing transcripts shall be made available to any party so requesting at the party's expense. The Board shall state in writing its decision to affirm, modify or reverse the suspension. Such decision shall be sent via certified mail or personal service to the suspended participant and to the Project Medical Director within five (5) business days after the conclusion of the hearing. The Board's decision shall be binding upon all parties, unless reversed or modified by the State EMS Disciplinary Review Board.

- c) The Project Medical Director shall notify the Department, in writing, of a decision by the Review Board to either uphold or reverse the Project Medical Director's suspension of an individual or individual provider from participation within the System, within five (5) business days after the Board's decision. Such notice shall include a statement detailing the duration of and grounds for the suspension.

- d) A recommendation to the Illinois Department of Public Health by a Project Medical Director to deny, suspend or revoke the certification or license of a participant within an EMS System is not subject to the provisions of this Section, unless such recommendation forms the basis for suspension pursuant to Section 535.260(a)(2)(3)(e) of this

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(Source: Amended at 14 Ill. Reg. _____, effective _____)

SUBPART E: EMERGENCY MEDICAL TECHNICIAN - AMBULANCE TRAINING (EMT-A)

Section 535.300 Emergency Medical Technician-Ambulance Training - General

- a) Applications for approval of EMT-A Training Programs shall be filed with the Department on forms prescribed, prepared and furnished by the Department. The application shall contain such information as, but not limited to, name of applicant, agency and address, type of training program, lead instructor's name and address, dates of the training program, name and signature of medical director physician and other information that will be required by the Department for the proper administration and enforcement of the Act and this Part.
- b) Applications for approval shall be submitted at least sixty (60) thirty (30) days in advance of the first scheduled class.
- c) The EMT-A training program shall designate a physician as Medical Director who is knowledgeable in emergency care. The Medical Director shall attest that the training program shall be conducted according to the United States Federal Department of Transportation's current National Standard Curriculum, and that all instructors are knowledgeable in the material and capable of instructing at the EMT-A level.
- d) The EMT-A training program shall designate a Lead Instructor who shall be responsible for the overall management of the training program.
- e) The Lead Instructor shall be an EMT-A, EMT-I, EMT-P, or an Illinois Registered Nurse, or a physician licensed to practice medicine in all of its branches in Illinois.
- f) The Lead Instructor shall have three (3) years of experience in emergency care as a provider and two (2) years of teaching experience in a classroom setting.
- g) The Lead Instructor shall be recommended by the Medical Director and approved by the Department based on the requirements of pursuant to Section 535.300 (e) and (f).
- h) Any changes in the EMT-A training program's Medical Director or Lead Instructor shall require the application process outlined in Section 535.300 (a).

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The lesson plans of the training program shall be those published by the Federal Department of Transportation National Standard Curriculum. Any expansion of the course objectives shall be approved on an individual basis by the Department to ensure that the expansion does not impact on a higher level of certified care.

administrative region in the State. Candidates who elect to take the National Registry of Emergency Medical Technicians Testing Procedures in lieu of the State examination shall be responsible for making their own arrangements with the Registry.

i) Questions for all quizzes and tests to be given during the EMT-A training program will be prepared by the Department and provided to the Lead Instructor upon request, or the Lead Instructor may choose to prepare his/her own quizzes and tests.

c) All EMT-A candidates shall hold a high school diploma or high school equivalency certificate and be eighteen (18) years of age or older in order to be tested for certification.

j) Each approved training program shall submit a student roster within ten (10) days after the first class as well as a student roster indicating successful or unsuccessful completion within ten (10) days after the last class.

d) A failure rate per class of 25% or greater on the certification examination shall require that the particular EMT-A training program be reevaluated by the Department at least sixty (60) days before the start of the next class.

k) All approved programs shall maintain class and student records for seven (7) years and these shall be made available to the Department upon request.

e) Failure to achieve a passing grade on three successive examinations within 12 months of the completion of the Training Program shall require the candidate to retake the EMT-A training program.

l) Training programs conducted on a regular basis with a stable instructional staff may be approved on an annual basis by the Department provided that there are no changes in the Medical Director or Lead Instructor positions. Changes in either of these positions shall require the submission of an amended application to the Department. Annual approval will be based upon community need for the training and provided that the training site has consistently maintained a quality program of instruction.

f) When a candidate elects to take the State examination or the National Registry's examination, the candidate must successfully complete that particular testing procedure. A candidate will not be allowed to take the alternate examination after failure to achieve a passing grade.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 535.320 EMT-A Certification

1) Questions for all quizzes and tests to be given during the EMT-A training program will be prepared by the Department and made available to the Lead Instructor.

a) In order to be certified by the Department as an EMT-A an individual must pass the National Registry of Emergency Medical Technicians Examination or the Department's EMT-A examination.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

1) Be eighteen (18) years of age or older.

Section 535.310 EMT-A Testing

2) Have completed a Department approved training program and successfully completed the required testing procedures.

a) After completion of an approved training program, EMT-A candidates shall take a written examination. The candidate shall have the choice of taking either the National Registry of Emergency Medical Technicians Testing Procedures examination or the Department's examination. The Department's examination is based on the United States Department of Transportation National Standard Curriculum and is equivalent to the National Registry Examination.

b) The Department will certify those individuals who meet the requirements of this Section for a period of two (2) years those individuals who meet the requirements of Section 535.320(a).

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 535.330 EMT-A Recertification

b) The Department or designee shall administer the National Registry examination or the State written examination for certification of EMT-A's at least once each quarter and at a location in each

a) In order to be recertified as an EMT-A,

1) The holder of a certificate as an EMT-A must file with the

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Department an application for renewal on a form prepared by the Department at least thirty (30) days prior to the two (2) year certification expiration date.

- 2) Written documentation must be provided to the Department by the Project Medical Director or the Regional EMS Coordinator regarding completion of the following requirements:

A) A minimum of twenty (20) hours attendance at refresher training programs.

AB) A current CPR certificate, which covers:

- i) Adult one-rescuer CPR
- ii) Adult foreign body airway obstruction management
- iii) Pediatric one-rescuer CPR
- iv) Pediatric foreign body airway obstruction management
- v) Adult two-rescuer CPR
- vi) Pediatric two-rescuer CPR

B6) Forty-eight (48) hours of continuing education, seminars and workshops.

- b) Composition of refresher training and continuing education programs shall be approved by the Department not less than sixty (60) days prior to the scheduled event. Program approval will be granted provided the program is conducted in accordance with guidelines of the Federal Department of Transportation's current national curriculum and based upon the program content relevancy for EMT-A's.

- be) The certification of an EMT-A who has failed to file an application for renewal, or whose application for renewal has been denied by the Department, shall terminate on the day following the expiration date shown on the certificate.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 535.335 EMT-A Continuing Education

- a) Continuing education classes, seminars, workshops or other types of programs shall be approved by the Department before being offered to EMT-A's. An application for approval shall be submitted to the Department on a form prescribed, prepared and furnished by the

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Department, at least sixty (60) days prior to the scheduled event.

- b) Approval will be granted provided the application is complete and the content of the program is based on topics or materials from the United States Department of Transportation National Standard Curriculum for EMT-A's. Upon approval, the Department will issue a site code to the class, seminar, workshop or program.

- c) An EMT-A shall be responsible for submitting written proof of continuing education attendance to the EMS System Coordinator or the Department Regional EMS Coordinator.

- d) The EMS System Coordinator or Department Regional EMS Coordinator shall be solely responsible for verifying whether specific continuing education hours have been earned by the EMT-A.

- e) An EMT-A shall be responsible for maintaining copies of all documentation concerning continuing education programs that he or she has completed.

(Source: Added at 14 Ill. Reg. _____, effective _____)

Section 535.350 Penalty (Repealed)

Any individual who actively functions as an EMT-A without a current certificate is subject to the provisions of the penalty clause contained in Ill. Rev. Stat., 1985, ch. 111-1/2, par. 5529.

(Source: Repealed at 14 Ill. Reg. _____, effective _____)

SUBPART F: EMERGENCY MEDICAL TECHNICIAN - INTERMEDIATE TRAINING (EMT-I)

Section 535.400 Emergency Medical Technician - Intermediate Training - General

- a) An EMT-I training program shall only be conducted by an EMS System.

- ba) Applications for approval of EMT-I Training Programs shall be filed with the Department on forms prescribed, prepared and furnished by the Department. The application shall contain such information as, but not limited to, name of applicant, agency and address, type of training program, lead instructor's name and address, dates of training program, name and signature of the Project Medical Director and EMS System Coordinator. Physician and other information that will be required by the Department for the proper administration and enforcement of the Act and this Part.

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- cb) Applications for approval shall be submitted at least sixty (60) thirty (30) days in advance of the first scheduled class.
- de) The Project Medical Director of the EMS System shall attest on the Department's application form that the training program shall be conducted according to the United States Federal Department of Transportation's current National Standard Curriculum. Minimum sections shall include #1 through #8. EMS Systems intending to train and approve EMT-I's to defibrillate shall include Section #9. Department approval shall be obtained prior to implementing a system program for training EMT-I's in defibrillation and approving such EMT-I's to defibrillate. Approval shall be based on conformance with Section #9 of the United States Department of Transportation National Standard Curriculum. EMT-I training programs in operation on the effective date of this Part shall provide a written statement to the Department signed by the Project Medical Director and the EMS System Coordinator that the program is conducted in accordance with the national curriculum and shall thereby be exempt from submitting an application for approval.
- ed) The EMT-I training program shall will be under the direction of the Project Medical Director and the EMS System Coordinator.
- fe) The EMS system shall designate a Lead Instructor, who shall be approved by the Department based on the requirements of Section 535.400 (g).
- The Project Medical Director shall recommend to the Department, a lead instructor based on Section 535.400 (f).
- gf) The Lead Instructor shall have three (3) years of experience in emergency care as a provider and two (2) years of teaching experience in a classroom setting.
- h) Any changes in the EMT-I training program's Project Medical Director, EMS System Coordinator and/or Lead Instructor shall require the application process as outlined in Section 535.400 (b).
- ig) A candidate for an EMT-I training program must have the following qualifications:
- 1) Current Illinois certification as an EMT-A.
 - 2) Pre-employment sponsorship by, employment by, or documentation of functioning within a State approved EMS vehicle agency providing intermediate life support services.
- h) The Lesson Plans of the training program shall be those published by

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- the United States Department of Transportation, National Standard Curriculum. Minimum sections shall include #1, through #8. EMS Systems intending to train and approve EMT-I's to defibrillate shall include Section #9. Department approval shall be obtained prior to implementing a system program for training EMT-I's in defibrillation and approving such EMT-I's to defibrillate. Approval shall be based on conformance with Section #9 of the United States Department of Transportation National Standard Curriculum.
- j) Before a candidate is accepted into the program, documentation must be submitted that an EMS System vehicle will be available to accommodate field experience and internship needs.
- k) Each approved training program shall submit a student roster within ten (10) days after the first class as well as a student roster indicating successful or unsuccessful completion within ten (10) days after the last class.
- l) After an EMT-I candidate has completed and passed all components of the training program, the PMD shall submit to the Department a transaction card (form No. IDPH-DP-01, 1-85) concerning that individual.
- m) All approved programs shall maintain class and student records for seven (7) years and these shall be made available to the Department upon request.
- n) Training programs conducted on a regular basis with a stable instructional staff may be approved on an annual basis by the Department provided that there are no changes in the Project Medical Director or EMS System Coordinator positions. Changes in either of these positions shall require the submission of an amended application to the Department.
- (Source: Amended at 14 Ill. Reg. _____, effective _____)
- Section 535.410 EMT-I Testing
- a) After completion of an approved training program, EMT-I candidates shall take a written examination. The candidate shall have the choice of taking either the National Registry of Emergency Medical Technicians Testing Procedures examination or the Department's examination. The Department's examination is based on the United States Department of Transportation National Standard Curriculum and is equivalent to the National Registry Examination.
- b) The Department or designee shall administer the State written examination for certification of EMT-I's on a semi-annual

schedule. Candidates who elect to take the National Registry of Emergency Medical Technicians examination testing procedures in lieu of the State examination shall be responsible for making their own arrangements with the National Registry.

- e) All EMT-I candidates shall meet the following requirements in order to be tested for certification:
 - 1) Be eighteen (18) years of age or older;
 - 2) Be currently certified as an EMT-A;
 - 3) Be recommended by the Project Medical Director. The recommendation shall include written documentation (either letter or narrative) that all the requirements for training and testing contained in the training program application have been met. The recommendation and documentation shall be forwarded by certified mail to the Department fifteen (15) days prior to the test date.

d) A failure rate per class of 25% or greater on the certification examination shall require that the particular EMT-I training program be reevaluated by the Department at least sixty (60) days before the start of the next class.

de) Failure to achieve a passing grade on three successive examinations within 12 months of the completion of the Training Program shall require the candidate to retake the EMT-I training program.

f) When a candidate elects to take the State examination or the National Registry's examination, the candidate must successfully complete that particular testing procedure. A candidate will not be allowed to take the alternate examination after failure to achieve a passing grade.

EMS Systems intending to authorize defibrillation by EMT-Is who have completed the training described in Section 535.400(h) of this Part shall require the EMT-I to pass both a written and a practical examination prior to receiving such authorization. The examinations shall be developed and evaluated by the Project Medical Director or designee. The Project Medical Director shall approve an EMT-I for defibrillation if such examinations reflect that the EMT-I possesses the required knowledge and skills to safely and effectively defibrillate.

Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 535.420 EMT-I Certification

a) In order to be certified by the Department as an EMT-I, an individual must:

- 1) Pass either the National Registry of Emergency Medical Technicians examination or the Department's EMT-I examination. Be eighteen (18) years of age or older;
- 2) Complete a field internship on a State-approved EMS System vehicle, supervised by an EMT-I or EMT-P with one year of experience, a Registered Professional Nurse designated by the Project Medical Director, or a physician with critical care knowledge and experience on an EMS vehicle.

A) The length and structure of the field internship shall be determined by the PMD for the System in which the internship is performed, based upon the types and frequencies of emergency calls encountered by EMT-Is within that System, but shall include a minimum of five (5) Intermediate Life Support runs.

B) The field internship shall be completed within six (6) months after passing the EMT-I examination. If an extension of time is needed due to hardship, a waiver shall be sought pursuant to Section 535.750 of this Part, prior to the end of the six-month period.

C) An EMT-I candidate who completes the internship after the six-month period pursuant to waiver, shall be given a practical examination by the PMD. Such examination shall cover patient assessment and appliance application at the EMT-I level.

D) The PMD shall notify the Department in writing, when an EMT-I candidate has completed the field internship and passed a practical examination, if applicable.

Have completed a Department-approved training program and successfully passed the required testing procedures of the resource hospital and the Department.

3) Be currently certified as an EMT-A;

4) Have received a letter of recommendation from the Project Medical Director stating that all the requirements of subsection a) have been completed with:

35) Be employed by, or functioning within a State approved EMS vehicle agency (e.g. volunteer fire departments) providing

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intermediate life support services, as verified by that System's PMD.

- 6) ~~Within six (6) months of successful completion of the State certification exam, must have completed the necessary field experience required by the EMS training program as approved by the Project Medical Director in accordance with the National Standard Curriculum on an approved EMS vehicle supervised by a certified EMT-I or EMT-P with one year's experience; a registered professional nurse designated by the Project Medical Director; or a physician with critical care knowledge and experience on an EMS vehicle.~~

- b) The Department will certify those individuals who meet the requirements of this Section for a period of two (2) years.

- e) ~~EMT-I certification is acceptable as EMT-A certification. More than one level of EMT certification will not be permitted.~~

- cd) Only EMT-Is who have successfully completed a Department-approved training program and have been approved by the EMS System Project Medical Director will be allowed to defibrillate. (See Section 535.400)

(Source: Amended at 14 Ill. Reg. ____, effective _____)

Section 535.430 EMT-I Recertification

- a) In order to be recertified as an EMT-I,

- 1) The holder of a certificate as an EMT-I must file with the Department an application for renewal on a form prepared by the Department at least thirty (30) days prior to the two (2) year certification expiration date.

- A) The submission of a transaction card (Form No. IDPH-DP .01 1-85) by the Project Medical Director will satisfy the renewal application requirement for a certificate holder who has been recommended for recertification by the Project Medical Director.

- B) A certificate holder who has not been recommended for recertification by the Project Medical Director must independently submit to the Department an application for renewal. The Project Medical Director shall provide the certificate holder with a copy of the appropriate form to be completed.

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- 2) A written recommendation signed by the Project Medical Director must be provided to the Department regarding completion of the following requirements:

- A) ~~A minimum of twenty (20) hours attendance at refresher training programs.~~

- AB) ~~A current CPR certificate, which covers:~~

i) ~~Adult one-rescuer CPR~~

ii) ~~Adult foreign body airway obstruction management~~

iii) ~~Pediatric one-rescuer CPR~~

iv) ~~Pediatric foreign body airway obstruction management~~

v) ~~Adult two-rescuer CPR~~

vi) ~~Pediatric two-rescuer CPR~~

- B) ~~Forty-eight (48) hours of continuing education, seminars and workshops, twelve (12) hours of which were directed at the intermediate skills, plus any System continuing education requirements for EMT-Is approved to defibrillate.~~

- C) ~~Employment by or functioning with a State approved EMS vehicle agency providing intermediate life support services.~~

- b) ~~Upon denial of recommendation for recertification, the Project Medical Director shall submit all reasons for denial. This denial shall be in writing and sent to the EMT-I and the Department. Composition of continuing education programs shall be submitted to the Department for approval not less than sixty (60) days prior to the scheduled event. Program approval will be granted prior to the program is conducted in accordance with guidelines of the Federal Department of Transportation's current national curriculum and contains material relevant to EMT-Is.~~

- c) The certification of an EMT-I who has failed to file an application for renewal, or whose application for renewal has been denied by the Department, shall terminate on the day following the expiration date shown on the certificate.

- d) At any time prior to the expiration of the current certificate, the EMT-I may revert to the EMT-A status for the remainder of the certification period. The EMT-I must make this request in writing to the Department. To recertify at the EMT-A level, the individual must

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meet the requirements for recertification found in Section 535.330.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 535.432 EMT-I Continuing Education

Section 535.440 EMT-I Inactive Status

a) Didactic continuing education classes, seminars or other types of programs shall be approved by the Department before being offered to EMT-I's. An application for approval shall be submitted to the Department by a Project Medical Director, on a form prescribed, prepared and furnished by the Department, at least sixty (60) days prior to the scheduled event.

b) Approval will be granted provided the application is complete and the content of the program is based on topics or materials from the United States Department of Transportation National Standard Curriculum for Intermediates. Upon approval, the Department will issue a site code to the class, seminar or program.

c) An EMS System may apply to the Department for a single System Site Code to cover didactic continuing education activities conducted by the System solely for System EMT-I's (e.g., telemetry review at the Resource Hospital, morbidity and mortality conferences, preceptor orientation, review of System education materials). Activities conducted under the System Site Code shall not require individual approval by the Department.

d) The PMD of the EMS System in which the EMT-I functions shall be responsible for determining whether a particular State-approved didactic continuing education program is acceptable for credit within the System.

e) An EMT-I shall be responsible for submitting written proof of didactic continuing education attendance to the EMS System Coordinator, in the manner prescribed by the System Program Plan.

f) The EMS System Coordinator or Project Medical Director of the EMS System in which an EMT-I primarily functions shall be solely responsible for verifying whether specific continuing education hours have been earned by the EMT-I.

g) An EMS System which requires clinical continuing education shall specify in the System Program Plan the number of hours required, and the manner in which those hours must be earned, submitted and verified.

h) An EMT-I shall be responsible for maintaining copies of all documentation concerning continuing education programs or activities

that he or she has completed.

(Source: Added at 14 Ill. Reg. _____, effective _____)

a) Prior to the end of the two year certification status, an EMT-I may request to be placed on inactive status. The request shall be made in writing to the Project Medical Director. The Project Medical Director will apply to the Department in writing and request that the EMT-I be placed on inactive status. This application shall contain the following information:

1) Name of individual.

2) Date of certifications.

3) EMT identification number.

4) Circumstances requiring inactive status.

5) Length of time of inactive status.

6) A statement that recertification requirements have been met by the date of the application for inactive status to date.

b) The Department will review requests for inactive status. The Department shall notify the Project Medical Director in writing of its decision based on Section 535.440(a).

c) In order for the EMT-I to return to active status, the Project Medical Director must make application to the Department. The application must be in writing and include a statement that the EMT has been examined (physically and mentally) and found capable of functioning within the EMS System and that the EMT-I's knowledge and clinical skills are at an active EMT-I level.

d) Failure to request reinstatement to certified status within the required time frame will cause the certification to expire.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 535.450 Penalty (Repealed)

Any individual who actively functions as an EMT-I without a current certificate is subject to the provisions of the penalty clause contained in Ill. Rev. Stat., 1985 Ch. 111-1/2, par. 5520.

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(Source: Repealed at 14 Ill. Reg. _____, effective _____)

SUBPART G: EMERGENCY MEDICAL TECHNICIAN - PARAMEDIC TRAINING (EMT-P)

Section 535.500 Emergency Medical Technician - Paramedic Training - General

- a) An EMT-P training program shall only be conducted by an EMS System.
- ba) Applications for approval of EMT-P training programs shall be filed with the Department on forms prescribed, prepared and furnished by the Department. The application shall contain such information as, but not limited to, name of applicant, agency and address, type of training program, Project Medical Director's and EMS System Coordinator's name, dates of training program, signature of Project Medical Director and EMS System Coordinator and other information that will be required by the Department for the proper administration and enforcement of the Act and this Part.

- cb) Applications for approval shall be submitted at least sixty (60) thirty-(30) days in advance of the first scheduled class.

- de) The Project Medical Director of the EMS System shall attest that the training program shall be conducted according to the United States Federal Department of Transportation's current National Standard Curriculum. The EMT-P training program shall include all components of the National Standard Curriculum. EMT-P training programs in operation on the effective date of this Part shall provide a written statement to the Department signed by the Project Medical Director and the EMS System Coordinator that the program is conducted in accordance with the National Standard Curriculum and shall thereby be exempt from submitting an application for approval.

- ed) The EMT-P training program's lead coordinators shall be the Project Medical Director and the EMS System Coordinator.

- ef) The lesson plans of the training program shall be those published by the Federal Department of Transportation National Standard Curriculum. Any expansion of the course objectives shall be approved on an individual basis by the Department.

- f) Any change in the EMT-P training program's Project Medical Director and/or EMS System Coordinator shall require the application process as outlined in Section 535.500(ba).

- g) A candidate for an EMT-P training program must have a current Illinois certification as an EMT-A or EMT-I, the following qualifications:

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- 1) Current Illinois certification as an EMT-A or an EMT-I;
- 2) Pre-employment sponsorship by, employment by, or documentation of functioning within a State approved EMS vehicle agency providing advanced life support services.

- h) Before a candidate is accepted into the program, documentation must be submitted that an EMS System vehicle will be available to accommodate field experience and internship needs.

- ih) Each approved training program shall submit a student roster within ten (10) days after the first class, as well as a student roster indicating successful or unsuccessful completion within ten (10) days after the last class.

- j) After an EMT-P candidate has completed and passed all components of the training program, the PMD shall submit to the Department a transaction card (Form No. IDPH-DP-01, T-85) concerning that individual.

- ki) All approved programs shall maintain class and student records for seven (7) years and these shall be made available to the Department upon request.

(Source: Amended at 14 Ill. Reg. _____, effective _____)
Section 535.510 EMT-P Testing

- a) After completion of an approved training program, EMT-P candidates shall take a written examination. The candidate shall have the choice of taking either the National Registry of Emergency Medical Technicians Testing Procedures examination or the Department's examination. The Department's examination is based on the United States Department of Transportation National Standard Curriculum and is equivalent to the National Registry Examination.

- b) The Department or designee shall administer the State written examination for certification of EMT-Ps on a semi-annual schedule. Candidates who elect to take the National Registry of Emergency Medical Technicians examination Testing Procedures in lieu of the State examination shall be responsible for making their own arrangements with the National Registry.

- et) All EMT-P candidates shall meet the following requirements in order to be tested for certification:

- 1) By eighteen (18) years of age or older.

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- 2) Be currently certified EMT-A's, EMT-I's or a Registered Professional Nurse who meets the criteria as designated in Section 535.520.
- 3) Be recommended by their Project Medical Director. The recommendations shall include written documentation (either letter or narrative) that all the requirements for training and testing contained in the training program application have been met. The recommendation and documentation shall be forwarded by certified mail to the Department fifteen (15) days prior to the test date.
- d) All testing for EMT-P's shall be based upon the current Federal Department of Transportation's National Standard Curriculum and shall include basic life support as detailed in the National Standard Curriculum for EMT-A's as outlined in Section 535.500 of this Part.
- ce) Failure to achieve a passing grade on three successive examinations within 12 months of the completion of the Training Program shall require the candidate to retake the EMT-P training program.
- df) When a candidate elects to take the State examination or the National Registry's examination, the candidate must successfully complete that particular testing procedure. A candidate will not be allowed to take the alternate examination after failure to achieve a passing grade.
- eg) A failure rate per class of twenty-five (25) percent or greater shall require that the particular EMT-P training program be reevaluated by the Department at least sixty (60) days prior to the start of the next class.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 535.520 EMT-P Certification

- a) In order to be certified by the Department as an EMT-P an individual must:
- 1) Pass either the National Registry of Emergency Medical Technicians examination or the Department's EMT-P examination, and Be eighteen (18) years of age or older.
 - 2) Complete a field internship on a State-approved EMS System vehicle, supervised by an EMT-P with one year of experience, a Registered Professional Nurse designated by the Project Medical Director, or a physician with critical care knowledge and

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experience on an EMS vehicle.

- A) The length and structure of the field internship shall be determined by the PMD for the System in which the internship is performed, based on the types and frequencies of emergency calls encountered by EMT-Ps within that System, but shall include a minimum of ten (10) Advanced Life Support runs.
- B) The field internship shall be completed within twelve (12) months after passing the EMT-P examination. If an extension of time is needed due to hardship, a waiver shall be sought pursuant to Section 535.750 of this Part, prior to the end of the twelve-month period.
- C) An EMT-P candidate who completes the internship after the twelve-month period, pursuant to waiver, shall be given a practical examination by the PMD. Such examination shall cover patient assessment and appliance application at the EMT-P level.
- D) The PMD shall notify the Department, in writing, when an EMT-P candidate has completed the field internship and passed a practical examination, if applicable.
- Have completed a Department approved training program and successfully completed the required testing procedures of the resource hospital and the Department.
- 3) Be currently certified as an EMT-A or EMT-I with documented field experience on an EMS vehicle; a recommendation from the Project Medical Director that he/she is well-versed in arrhythmia (dysrhythmia) identification and capable of producing treatment; knowledgeable in the use of all Mobile Intensive Care equipment.
- 4) Within one year of successful completion of the State Certification exam, must have completed the necessary field experience required by the program as approved by the Department on a State approved EMS System vehicle supervised by a certified EMT-P with one year's experience; a Registered Professional Nurse designated by the Project Medical Director; or a physician with critical care knowledge and experience on an EMS vehicle.
- 5) Have received a letter of recommendation from the Project Medical Director;

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- 36) Be functioning employed by, or function within, a State-approved EMS System vehicle agency, providing advanced life support services, as verified by that System's Project Medical Director.

- b) The Department will certify those individuals who meet the requirements of this Section Rule for a period of two (2) years.

- e) EMT-P certification is acceptable as EMT-I or EMT-A certification. More than one level of EMT certification will not be permitted.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 535.530 EMT-P Recertification

- a) In order to be recertified as an EMT-P,

- 1) The holder of a certificate as an EMT-P must file with the Department an application for renewal on a form prepared by the Department at least thirty (30) days prior to the two (2) year certification expiration date.

- A) The submission of a transaction card (Form No. IDPH-DP .01 1-85) by the Project Medical Director will satisfy the renewal application requirement for a certificate holder who has been recommended for recertification by the Project Medical Director.

- B) A certificate holder who has not been recommended for recertification by the Project Medical Director must independently submit to the Department an application for renewal. The Project Medical Director shall provide the certificate holder with a copy of the appropriate form to be completed.

- 2) A written recommendation signed by the Project Medical Director must be provided to the Department regarding completion of the following requirements:

- A) A minimum of forty (40) hours of continuing education in each of the last two (2) years, earned in accordance with the System's policies.

- B) A current CPR certificate, which covers:

- i) Adult one-rescuer CPR
ii) Adult foreign body airway obstruction management

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- iii) Pediatric one-rescuer CPR

- iv) Pediatric foreign body airway obstruction management

- v) Adult two-rescuer CPR

- vi) Pediatric two-rescuer CPR

- C) Employment by or functioning with a State approved EMS vehicle agency providing advanced life support services.

- b) Upon denial of recommendation for recertification, the Project Medical Director must submit all reasons for denial. This denial shall be in writing and sent to the EMT-P and the Department.

- e) Composition of continuing education programs shall be submitted to the Department for approval not less than sixty (60) days prior to the scheduled event. Program approval will be granted provided the program is conducted in accordance with guidelines of the Federal Department of Transportation's current national curriculum and contains material relevant to EMT-P's.

- cd) The certification of an EMT-P who has failed to file an application for renewal, or whose application for renewal has been denied by the Department, shall terminate on the day following the expiration date shown on the certificate.

- de) At any time prior to the expiration date of the current certificate, the EMT-P may revert to either the EMT-I or EMT-A status for the remainder of the certification period. The EMT-P must make this request in writing to the Department and the case of reduction to the EMT-I level, the request must include a letter of recommendation from the Project Medical Director. To recertify at the EMT-A level, the individual must meet the requirements for recertification found in Section 535.330. To recertify at the EMT-I level, the individual must meet the requirements for recertification found in Section 535.430.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 535.532 EMT-P Continuing Education

- a) Didactic continuing education classes, seminars or other types of programs shall be approved by the Department before being offered to EMT-Ps. An application for approval shall be submitted to the Department by a Project Medical Director, on a form prescribed, prepared and furnished by the Department, at least sixty (60) days prior to the scheduled event.

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b) Approval will be granted provided the application is complete and the content of the program is based on topics or materials from the United States Department of Transportation National Standard Curriculum for Paramedics. Upon approval, the Department will issue a site code to the class, seminar or program.

c) An EMS System may apply to the Department for a single System Site Code to cover didactic continuing education activities conducted by the System solely for System EMT-Ps (e.g., telemetry review at the Resource Hospital, morbidity and mortality conferences, preceptor orientation, review of System educational materials). Activities conducted under the System Site Code shall not require individual approval by the Department.

d) The PMD of the EMS System in which the EMT-P functions shall be responsible for determining whether a particular State-approved didactic continuing education program is acceptable for credit within that System.

e) An EMT-P shall be responsible for submitting written proof of didactic continuing education attendance to the EMS System Coordinator, in the manner prescribed by the System Program Plan.

f) The EMS System Coordinator or Project Medical Director of the EMS System in which an EMT-P primarily functions shall be solely responsible for verifying whether specific continuing education hours have been earned by the EMT-P.

g) An EMS System which requires clinical continuing education shall specify in the System Program Plan the number of hours required, and the manner in which those hours must be earned, submitted and verified.

h) An EMT-P shall be responsible for maintaining copies of all documentation concerning continuing education programs or activities that he or she has completed.

(Source: Added at 14 Ill. Reg. _____, effective _____)

Section 535.540 EMT-P Inactive Status

a) Prior to the end of the two year certification status, an EMT-P may request to be placed on inactive status. The request shall be made in writing to the Project Medical Director. The Project Medical Director will apply to the Department in writing and request that the EMT-P be placed on inactive status. This application shall contain the following information:

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- 1) Name of individual.
- 2) Date of certification.
- 3) EMT identification number.
- 4) Circumstances requiring inactive status.
- 5) Length of time of inactive status.
- 6) A statement that recertification requirements have been met by the date of the application for inactive status.

b) The Department will review requests for inactive status. The Department shall notify the Project Medical Director in writing of its decision based on Section 535.540(a).

c) In order for the EMT-P to return to active status, the Project Medical Director must make application to the Department. The application must be in writing and include a statement that the EMT has been examined (physically and mentally) and found capable of functioning within the EMS System, and that the EMT-P's knowledge and clinical skills are at an active EMT-P level.

d) Following review, the Department may reinstate the individual to active status (based upon, but not limited to, the circumstances requiring the inactive status, length of time of the inactive status, etc.) and establish a new two-year certification period.

e) Failure to request reinstatement to certified status within the required time frame will cause the certification to expire.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 535.550 Penalty (Repealed)

Any individual who actively functions as an EMT-P without a current certificate is subject to the provisions of the penalty clause contained in Ill.-Rev.-Stat., 1983, ch. 111-1/2, par. 5520.

(Source: Repealed at 14 Ill. Reg. _____, effective _____)

SUBPART I: SUSPENSION, REVOCATION AND DENIAL OF CERTIFICATION OF EMTs EMT's

Section 535.650 Suspension, Revocation and Denial of Certification of EMT's

a) The Director, after providing notice and an opportunity for an

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administrative hearing to the applicant or certificate holder, shall deny, suspend or revoke a certificate or refuse to recertify any person as an EMT-A, EMT-I or EMT-P in any case in which he or she finds that there has been a substantial failure to comply with the provision of the Emergency Medical Services (EMS) Systems Act or this Part. Such findings must show one or more of the following:

- 1) THE EMT-A, EMT-I, OR EMT-P HAS NOT MET CONTINUING AND ADDITIONAL EDUCATION AND TRAINING REQUIREMENTS AS PRESCRIBED BY THE DEPARTMENT IN THIS PART;
- 2) THE EMT-A, EMT-I OR EMT-P HAS VIOLATED THIS ACT OR ANY RULE PROMULGATED UNDER THIS ACT;
- 3) THE EMT-A, EMT-I OR EMT-P HAS FAILED TO MAINTAIN PROFICIENCY IN PROVIDING BASIC OR INTERMEDIATE LIFE SUPPORT SERVICES, OR ADVANCED LIFE SUPPORT-MOBILE INTENSIVE CARE SERVICES OR REQUIRED SKILLS AS PRESCRIBED BY THE DEPARTMENT; or
- 4) THE EMT-A, EMT-I OR EMT-P, DURING THE PROVISION OF EMERGENCY SERVICES, ENGAGED IN DISHONORABLE, UNETHICAL OR UNPROFESSIONAL CONDUCT OF A CHARACTER LIKELY TO DECEIVE, DEFRAUD OR HARM THE PUBLIC (e.g., use of alcohol or illegal drugs while on duty, verbal or physical abuse of a patient, or misrepresentation of certification or licensure status). (Section 10 (b)(4) of the Act Ill.-Rev.-Stat.-1985--CH.-111-1/2, PAR.-5610-10-B).

b) "Substantial Failure", as used in this Section, means a failure other than a variance from the strict and literal requirements which results in unimportant omissions, given the particular circumstances involved.

c) "Revocation", as used in this Section, means that the Department-issued certification is terminated.

d) "Suspension", as used in this Section, means that the Department-issued certification is invalid for an identified period of time determined necessary to correct substantial failure.

e) The Director shall suspend a certificate in any case in which he or she finds that the substantial failure by the certificate holder can be corrected or remedied within an identified period of time determined necessary to correct the substantial failure prior to the expiration of the certificate. If the substantial failure cannot be corrected or remedied within an identified period of time prior to the expiration of the certificate, then the Director shall revoke the certificate.

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(Source: Amended at 14 Ill. Reg. _____, effective _____)

SUBPART K: WAIVER PROVISIONS

Section 535.750 Waiver Provisions

a) THE DEPARTMENT MAY GRANT A WAIVER TO ANY PROVISION OF THIS PART FOR A SPECIFIED PERIOD OF TIME DETERMINED APPROPRIATE BY THE DEPARTMENT WHEN IT CAN BE DEMONSTRATED THAT THERE WILL BE NO REDUCTION IN STANDARDS OF MEDICAL CARE (Section 13.1 of the Act).

b) An application for waiver shall be submitted in writing to the Department, and shall contain the following information:

- 1) The applicant's name, address, and license or certification number (if applicable).
- 2) The Section of this Part for which the waiver is being sought,
- 3) An explanation of why the applicant considers compliance with the Section to be a hardship, including a description of how the applicant has attempted to comply with the Section,
- 4) The period of time for which the waiver is being sought,
- 5) An explanation of how the waiver will not reduce the standards of medical care established by the Act and this Part, and
- 6) If the applicant is a System Participant, the applicant's Project Medical Director shall state in writing whether the PMD recommends or opposes the application for waiver, the PMD's reasons for such recommendation or opposition, and the PMD's statement of how the waiver will or will not reduce the standards of medical care established by the Act and this Part. The applicant shall submit the PMD's statements along with the application for waiver.

c) A Project Medical Director may apply to the Department for a waiver on behalf of a System Participant, by submitting an application which contains all of the information required by subsection (b) of this Section, along with a statement signed by the System Participant requesting or authorizing the PMD to make such application.

d) The Department shall review all requests for waivers which contain all of the information required by subsection (b) of this Section.

e) The Department shall grant the requested waiver if it finds that:

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- 1) The waiver will not reduce the standards of medical care established by the Act and this Part.
- 2) Full compliance with the regulation at issue is or would be a hardship on the applicant.
- 3) For an EMT seeking a waiver to extend a recertification date in order to complete recertification requirements.
 - A) The EMT has previously received no more than one (1) extension since his or her last recertification, and
 - B) The EMT has not established a pattern of seeking extensions (e.g. waivers sought based on the same type of hardship in two (2) or more previous certification periods).
- 4) For an applicant other than an EMT.
 - A) The applicant has previously received no more than one (1) waiver of the same regulation during the current license or designation year, and
 - B) The applicant has not established a pattern of seeking or waivers of the same regulation during previous license or designation years.
 - C) Unless the Department finds that the hardship preventing compliance with the particular regulation is of an ongoing nature.
- f) When granting a waiver, the Department shall specify the regulation or portion thereof which is being waived, any alternate requirement which the waiver applicant shall meet, and any procedures or timetable which the waiver applicant shall follow in order to achieve compliance with the waived regulation.
- g) The Department shall determine the length of any waiver which it grants, based on the nature and extent of the hardship, and the medical needs of the community or areas in which the waiver applicant functions.
- a) If unreasonable hardship to a provider of services, including but not limited to financial considerations, results from compliance with any requirement of this Part, or if no service is available to the area, the affected party may petition the Department for a waiver of this Part. The above factors will also be used to determine the length of the waiver.

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- b) The petition to the Department shall be in writing and contain the following information:
 - 1) An explanation as to why the waiver is necessary.
 - 2) A written description of an alternate means of handling the matter.
 - 3) A projected target date for compliance with this Part.
- (Source: Amended at 14 Ill. Reg. ____, effective ____)

SUBPART M: CERTIFICATION OF SPECIALIZED EMERGENCY MEDICAL SERVICES VEHICLE (SEMSV) PROGRAMS

Section 535.900 Certification of SEMSV Programs - General

- a) No person, either as owner, agent, or otherwise shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in the provision of emergency medical care or transportation to a sick or injured patient using a Specialized Emergency Medical Services Vehicle (SEMSV), unless currently certified by the Department pursuant to this Subpart J of this Part, or the SEMSV is owned, operated, licensed or regulated by a unit of local government.
- b) An application for certification shall be filed with the Department by submitting a Program Plan which includes the information required in this Part. The Program Plan shall be signed by the SEMSV Medical Director and the Project Medical Director of the EMS System of which the SEMSV Program is a part (See Section 535.920(a) of this Part).
- c) Each certification shall be valid for a period of one (1) year from the date of issuance, unless suspended or revoked.
- d) Each certification shall be issued to the program named in the application for the specific vehicle(s) identified in the application, and shall not be assignable or transferable.
- e) An application for renewal of certification shall be filed with the Department at least thirty (30) days prior to the expiration date, on a form prepared and furnished by the Department. The renewal application shall be accompanied by photocopies of any current licenses or certificates required of SEMSV personnel by the provisions of this Part (See Sections 535.920(e), 535.931, 535.932(a) of this Part), and verification that SEMSV personnel continuing education required by the provisions of this Part have been met (See Section 535.930(d) of this Part). Each renewed certificate shall be valid for a period of one (1) year from the date of issuance, unless

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suspended or revoked.

- f) The Department shall inspect any vehicles, equipment, records or other documents covered by the certified or applicant SEMSV program annually to determine initial or continued compliance with the requirements of the Act or this Part.

(Source: Amended at 14 Ill. Reg. ____, effective ____)

Section 535.920 SEMSV Program Certification Requirements for All Vehicles

- a) The SEMSV program shall be part of a Department-approved EMS System.
- b) The SEMSV program shall meet and comply with all State and Federal requirements governing the specific vehicles employed in the program (See Sections 535.933, or 535.941, or 535.951 of this Part).
- c) The SEMSV program shall comply with this Part during its hours of operation. The SEMSV program shall operate twenty-four (24) hours per day, every day of the year in accordance with weather conditions, except when the service is committed to another medical emergency request, or is unavailable due to maintenance requirements.
- d) The SEMSV program shall provide pre-hospital emergency services within its service area on a per need basis without regard to the patient's ability to pay for such service. (See Section 535.150(g)(2)).
- e) The SEMSV program shall be supervised and managed by a Medical Director, who shall be a physician who has met at least the following requirements:

- 1) One or more of the following:

- A) Board certification by the American Board of Emergency Medicine,
- B) Completion of twelve (12) months of internship, followed by sixty (60) months plus seven thousand (7000) hours of hospital based Emergency Medicine (two thousand eight hundred (2800) of the seven thousand (7000) hours must be completed within one twenty-four (24) month period), and document fifty (50) hours of continuing medical education in Emergency Medicine for each complete year of practice,
- C) Completion of residency in Emergency Medicine as defined in 77 Ill. Adm. Code 540.20, in a residency program approved by the Residency Review Committee for Emergency Medicine,

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- D) Board certified or prepared in Internal Medicine.
- E) Board certified or prepared in General Surgery.
- 2) Training and experience in Advanced Cardiac Life Support (ACLS), such as the American Heart Association's American Academy of Emergency Physicians- ACLS course,
- 3) Training and experience in Advanced Trauma Life Support (ATLS), such as the American College of Surgeons' ATLS course,
- 4) In programs utilizing air vehicles, documentation, such as certificates of completion in course work designed to bring about:
- A) Experience and knowledge in inflight treatment modalities,
- B) Experience and knowledge in altitude physiology,
- C) Experience and knowledge in infection control as it relates to airborne and intra facility transportation, and
- D) Experience and knowledge in stress management techniques.
- 5) In programs utilizing watercraft, documentation, such as certificates of completion in course work designed to bring about:
- A) Experience and knowledge in drowning (cold, warm, fresh, and salt water), and
- B) Experience and knowledge in diving accident physiology and treatment.

(Source: Amended at 14 Ill. Reg. ____ effective ____)

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1) Heading of Part:

Sheltered Care Facilities Code

2) Code Citation:

77 Ill. Adm. Code 330

3) Section Numbers:Proposed Action:

330.2010 Amendments
 330.2210 Amendments
 330.2230 Amendments
 330.2420 Amendments
 330.3060 Amendments
 330.3160 Amendments
 330.3620 Amendments
 330.3690 Amendments
 330.3720 Amendments

4) Statutory Authority:

Nursing Home Care Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 4151-101 et seq., as amended by Public Act 85-1183, effective August 13, 1988, and Public Act 85-1378, effective September 1, 1988)

5) A Complete Description of the Subjects and Issues Involved:

These amendments are being proposed by the Department of Public Health to address several issues which have been encountered in the enforcement of the Department's licensing requirements for sheltered care facilities. Related amendments to the rules governing the licensure of skilled nursing and intermediate care facilities (77 Ill. Adm. Code 300), intermediate care facilities for persons with developmental disabilities (77 Ill. Adm. Code 350), and long-term care facilities for persons under age 22 (77 Ill. Adm. Code 390) are also being proposed.

Bedside screens: The Department is proposing the replacement of the term "bedside screens" with "privacy screens" in Section 330.2420(b) to clarify the requirements for screens. Under this proposed change, new facilities must have privacy screens available for emergency use when resident privacy is needed.

Dishes and utensils: Several provisions of Section 330.2010 are being deleted as unnecessary, since these requirements are contained in

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the Department's rules entitled "Food Service Sanitation Code" (77 Ill. Adm. Code 750). The food service sanitation rules establish requirements for kitchen equipment, but do not contain requirements for dishes.

Thermal hazards: Requirements for the protection of residents from thermal hazards are being added to Section 330.3060(r) for new facilities and to Section 330.3620(q) for existing facilities. These provisions will require facilities to install appropriate barriers to protect residents from surfaces which may exceed a temperature of 140 degrees Fahrenheit. Severe injuries to residents can result from such hazards.

Smoking and eating in laundry areas: An addition to Section 330.2230(a)(1) is being proposed to clearly prohibit the use of laundry areas for smoking or dining. This addition is needed to define the requirement for the sanitary maintenance and operation of the laundry area.

Storage in laundry areas: Section 330.2230(a)(5) is being amended to allow the storage of supplies and equipment in laundry areas and in areas used for laundry storage and handling. Under the proposed changes, such storage will be allowed as long as contamination of the supplies and equipment and contamination of the clean linens is avoided.

Return of residents' clothing: The Department is proposing the addition of a specific requirement to Section 330.2230(c) to assure that residents' clothing is returned to them after laundering.

Hot water temperature: The addition of a clear statement of the meaning of the term "hot water" is being proposed in Sections 330.3150(b)(3) and 330.3720(c)(8). Specifically, the phrase "of at least 100 degrees Fahrenheit" is being added to these provisions.

Two-compartment sinks: Section 330.3690(h) conflicts with the requirements of the Department's rules entitled "Food Service Sanitation Code" (77 Ill. Adm. Code 750), which require a three-compartment sink or a mechanical dishwasher. The Department is proposing the deletion of this requirement to eliminate the conflict.

Building maintenance for safety: The word "safe" is being added to Section 300.2210(a)(1) to more clearly express the purposes of the building maintenance requirements which are contained in this section. This addition is consistent with the use of the term "safe" in subsections (a)(2) through (a)(5) of this section.

The Department anticipates adoption of this rulemaking approximately six to nine months after the publication of this notice in the Illinois Register.

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- 6) Will these Proposed Amendments Replace an Emergency Rule Currently in Effect? No.
- 7) Does this Rulemaking contain an Automatic Repeal Date? No.
- 8) Do these Proposed Amendments Contain Incorporations By Reference? No.
- 9) Are there any other Proposed Amendments Pending on this Part? No.

10) Statement of Statewide Policy Objectives:

This rulemaking neither creates nor expands a state mandate.

- 11)
- Time, Place, and Manner in which Interested Persons May Comment on this Proposed Rulemaking:

Interested persons may present their comments concerning these rules by writing to Robert John Kane, Division of Governmental Affairs, Illinois Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761, within 45 days after this edition of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Administrative Procedure Act, any small business may present their comments in writing to Robert John Kane at the above address.

Any small business (as defined in Section 3.10 of the Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

- A)
- Date Rule was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

January 12, 1990

- B)
- Type of Small Businesses Affected:

Sheltered care facilities

- C)
- Reporting, Bookkeeping or Other Procedures Required for Compliance:

No additional reporting, bookkeeping or other procedures are required for compliance.

- D)
- Types of Professional Skills Necessary for Compliance:

No additional professional skills are necessary for compliance.

The full text of the Proposed Amendments begins on the next page.

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TITLE 77 PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 330
SHELTERED CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
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330.120	Application for License
330.130	Licensee
330.140	Issuance of an Initial License For a New Facility
330.150	Issuance of an Initial License Due to a Change of Ownership
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330.210	Filing an Annual Attested Financial Statement
330.220	Information to Be Made Available to the Public By the Department
330.230	Information to Be Made Available to the Public By the Licensee
330.240	Municipal Licensing
330.250	Ownership Disclosure
330.260	Issuance of Conditional Licenses
330.270	Monitor and Receivership
330.272	Determination to Issue a Notice of Violation or Administrative Warning
330.274	Determination of the Level of a Violation
330.276	Notice of Violation
300.277	Administrative Warning
330.278	Plans of Correction
330.280	Reports of Correction
330.282	Conditions for Assessment of Penalties
330.284	Calculation of Penalties
330.286	Determination to Assess Penalties
330.288	Reduction or Waiver of Penalties
330.290	Quarterly List of Violators
330.300	Alcoholism Treatment Programs In Long-Term Care Facilities
330.310	Department May Survey Facilities Formerly Licensed
330.320	Waivers
330.330	Definitions
330.340	Incorporated and Referenced Materials

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SUBPART B: ADMINISTRATION

330.510	Administrator
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SUBPART C: POLICIES

330.710	Resident Care Policies
330.720	Admission and Discharge Policies
330.730	Contract Between Resident and Facility
330.740	Residents' Advisory Council
330.750	General Policies
330.760	Personnel Policies
330.765	Initial Health Evaluation for Employees
330.770	Disaster Preparedness
330.780	Serious Incidents and Accidents

SUBPART D: PERSONNEL

330.910	Personnel
330.913	Nursing and Personal Care Assistants
330.916	Student Interns
330.920	Consultation Services
330.930	Personnel Policies

SUBPART E: HEALTH SERVICES AND MEDICAL CARE OF RESIDENTS

330.1110	Medical Care Policies
330.1120	Personal Care
330.1130	Communicable Disease Policies
330.1135	Tuberculin Skin Test Procedures
330.1140	Behavior Emergencies

SUBPART F: RESTORATIVE SERVICES

330.1310	Activity Program
330.1320	Work Programs
330.1330	Written Policies for Restorative Services

SUBPART G: MEDICATIONS

330.1510	Medication Policies
330.1520	Administration of Medication
330.1530	Labeling and Storage of Medications

SUBPART H: RESIDENT AND FACILITY RECORDS

330.1710	Resident Record Requirements
330.1720	Content of Medical Records
330.1730	Records Pertaining to Residents' Property

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- 330.1740 Retention and Transfer of Resident Records
- 330.1750 Other Resident Record Requirements
- 330.1760 Retention of Facility Records
- 330.1770 Other Facility Record Requirements

SUBPART I: FOOD SERVICE

- 330.1910 Director of Food Services
- 330.1920 Dietary Staff in Addition to Director of Food Services
- 330.1930 Hygiene of Dietary Staff
- 330.1940 Diet Orders
- 330.1950 Adequacy of Diet and Meal Pattern
- 330.1960 Therapeutic Diets
- 330.1970 Scheduling of Meals
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- 330.1990 Food Preparation and Service
- 330.2000 Food Handling Sanitation
- 330.2010 Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

- 330.2210 Maintenance
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SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

- 330.2410 Furnishings
- 330.2420 Equipment and Supplies

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

- 330.2610 Codes
- 330.2620 Water Supply
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SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW SHELTERED CARE FACILITIES

- 330.2810 Applicable Requirements (Repealed)
- 330.2820 Applicability of These Standards
- 330.2830 Submission of a Program Narrative
- 330.2840 New Constructions, Additions, Conversions, and Alterations
- 330.2850 Preparation and Submission of Drawings and Specifications
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- 330.2880 Architectural Drawings
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- 330.3000 Mechanical Drawings
- 330.3010 Electrical Drawings
- 330.3020 Additions to Existing Structures
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- 330.3040 Building Codes
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- 330.3080 Corridors
- 330.3090 Bath and Toilet Rooms
- 330.3100 Living, Dining, Activity Rooms
- 330.3110 Bedrooms
- 330.3120 Special Care Room
- 330.3130 Kitchen
- 330.3140 Laundry
- 330.3150 Housekeeping, Service, and Storage
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SUBPART N: FIRE PROTECTION STANDARDS FOR NEW SHELTERED CARE FACILITIES

- 330.3310 Applicable Requirements (Repealed)
- 330.3320 Applicability of These Standards
- 330.3330 Fire Protection
- 330.3340 Fire Department Service and Water Supply
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- 330.3360 Exit Facilities and Subdivision of Floor Areas
- 330.3370 Stairways, Vertical Openings, and Doorways
- 330.3380 Corridors
- 330.3390 Exit Lights and Directional Signs
- 330.3400 Hazardous Areas and Combustible Storage
- 330.3410 Fire Alarm and Detection System
- 330.3420 Fire Extinguishers, Electric Wiring, and Miscellaneous
- 330.3430 Use of Fire Extinguishers, Evacuation Plan, and Fire Drills

SUBPART O: DESIGN AND CONSTRUCTION STANDARDS FOR EXISTING SHELTERED CARE FACILITIES

- 330.3610 Site
- 330.3620 General Building Requirements
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- 330.3640 Corridors
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330.3670 Bedrooms
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 330.3690 Kitchen
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SUBPART P: FIRE PROTECTION STANDARDS FOR EXISTING SHELTERED CARE FACILITIES

330.3910 Fire Protection
 330.3920 Fire Department Service and Water Supply
 330.3930 Occupancy and Fire Areas
 330.3940 Exit Facilities and Subdivision of Floor Areas
 330.3950 Stairways, Vertical Openings, and Doorways
 330.3960 Exit and Fire Escape Lights and Directional Signs
 330.3970 Hazardous Areas and Combustible Storage
 330.3980 Fire Alarm and Detection System
 330.3990 Fire Extinguishers, Electric Wiring, and Miscellaneous
 330.4000 Use of Fire Extinguishers, Evacuation Plan, and Fire Drills

SUBPART Q: RESIDENT'S RIGHTS

330.4210 General
 330.4220 Medical and Personal Care Program
 330.4230 Restraints
 330.4240 Abuse and Neglect
 330.4250 Communication and Visitation
 330.4260 Resident's Funds
 330.4270 Residents' Advisory Council
 330.4280 Contract With Facility
 330.4290 Private Right of Action
 330.4300 Transfer or Discharge
 330.4310 Complaint Procedures
 330.4320 Confidentiality
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SUBPART R: DAY CARE PROGRAMS

330.4510 Day Care in Long-Term Care Facilities

APPENDIX A Interpretation, Components, and Illustrative Services for Sheltered Care Facilities
 APPENDIX B Classification of Distinct Part of a Facility For Different Levels of Service
 APPENDIX C Forms for Day Care in Long-Term Care Facilities
 APPENDIX D Criteria for Activity Directors Who Need Only Minimal Consultation

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TABLE A Disaster Preparedness Parameters--Relative Humidity and Temperature
 AUTHORITY: Implementing and authorized by the Nursing Home Care Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 4151-101 et seq., as amended by Public Act 85-968, effective December 9, 1987; Public Act 85-1183, effective August 13, 1988; and Public Act 85-1378, effective September 1, 1988)

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 807, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 933, effective July 28, 1980; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14547, effective November 8, 1982; amended at 6 Ill. Reg. 14681, effective November 15, 1982; amended at 7 Ill. Reg. 1963, effective January 28, 1983; amended at 7 Ill. Reg. 6973, effective May 17, 1983; amended at 7 Ill. Reg. 15825, effective November 15, 1983; amended at 8 Ill. Reg. 15596, effective August 15, 1984; amended at 8 Ill. Reg. 15941, effective August 17, 1984; codified at 8 Ill. Reg. 19790; amended at 8 Ill. Reg. 24241, effective November 28, 1984; amended at 8 Ill. Reg. 24096, effective December 7, 1984; amended at 9 Ill. Reg. 2952, effective February 25, 1985; amended at 9 Ill. Reg. 10974, effective July 1, 1985; amended at 11 Ill. Reg. 16879, effective October 1, 1987; amended at 12 Ill. Reg. 1017, effective December 24, 1987; amended at 11 Ill. Reg. 16870, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18939, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 14 Ill. Reg. 6562, effective April 17, 1989; amended at 13 Ill. Reg. 19580, effective December 1, 1989; amended at 14 Ill. Reg. _____, effective _____.

NOTE: Italics and capitalization denote statutory language.

SUBPART I: FOOD SERVICE

Section 330.2010 Kitchen Equipment, Utensils, and Supplies

The kitchen or dietary area shall be adequate to meet the food service needs; it shall have adequate equipment, utensils, and supplies to properly store, prepare, and serve the required number of meals in accordance with the Department's rules entitled "Food Service Sanitation" (77 Ill. Adm. Code 700). This shall include, but is not limited to, the following:--(b)

- a) Each kitchen and floor pantry, or subkitchen, in each building shall be equipped with facilities to maintain required food temperatures during storage, preparation and service; to provide protection of cooking equipment and utensils from contamination; and to prepare the planned meals. New or replacement equipment shall be of satisfactory institutional type based on generally accepted standards.

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- b) There shall be an adequate supply of food preparation equipment such as pots, pans, spoons, knives, and mixers of the proper type to satisfactorily prepare the meats.
- c) There shall be proper equipment to maintain food temperatures during service to residents. This equipment may be in the form of heated food carts, insulated food containers, or suitable equivalent. (B)
- d) Each facility shall provide an adequate number of dishes, glassware, and silverware of a satisfactory type to serve all the residents in the facility at each meal.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

Section 330.2210 Maintenance

- a) Every facility shall have an effective written plan for maintenance, including sufficient staff, appropriate equipment, and adequate supplies. Each facility shall: (B)
- 1) Maintain the building in good repair, safe and free of the following: cracks in floors, walls, or ceilings; peeling wallpaper or paint; warped or loose boards; warped, broken, loose, or cracked floor coverings, such as tile or linoleum; loose handrails or railings; loose or broken window panes, and any other similar hazards. (B)
 - 2) Maintain all electrical, signaling, mechanical, water supply, heating, fire protection, and sewage disposal systems in safe, clean and functioning condition. This shall include regular inspections of these systems. (A, B)
 - 3) Maintain all electrical cords and appliances in a safe and functioning condition. (B)
 - 4) Maintain the interior and exterior finishes of the building as needed to keep it attractive, clean and safe (painting, washing and other types of maintenance).
 - 5) Maintain all furniture and furnishings in a clean, attractive, and safely repaired condition.

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- 6) Maintain the grounds and other buildings on the grounds in a safe, sanitary, and presentable condition. (B)
 - 7) Maintain the grounds free from refuse, litter, insect and rodent breeding areas.
 - 8) The building and grounds shall be kept free of any possible infestations of insects and rodents by eliminating sites of breeding and harborage inside and outside the building; eliminating sites of entry into the building with screens of not less than 16 mesh to the inch and repair of any breaks in construction. (B)
- b) Plumbing Maintenance
- 1) Each facility shall maintain all plumbing fixtures and piping in good repair and properly functioning.
 - 2) Each facility shall protect the potable water supply from contamination by providing and properly installing adequate, backflow protection devices or providing adequate air gaps on all fixtures that may be subject to backflow or back siphonage.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 330.2230 Laundry Services

- a) Every facility shall have an effective means of supplying an adequate amount of clean linen for operation, either through ~~the~~ an in-house laundry or a contract with an outside service. An adequate supply of clean linen shall be defined as the three sets of sheets, draw sheets, and pillow cases required to provide for the residents' needs. Additional changes of linen may be required in consideration of laundering and transporting soiled linens. If an in-house laundry service is provided, then the following conditions shall exist:
- 1) The laundry area shall be maintained and operated in a clean, safe and sanitary manner. No part of the laundry shall be used as a smoking or dining area.
 - 2) Written operating procedures shall be developed, posted and implemented which provide for the handling, transport and storage of clean and soiled linens.
 - 3) Laundry personnel must be in good health and practice good personal grooming. Employees must thoroughly wash their hands

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and exposed portions of their arms with soap and warm water before starting work, during work as often as necessary to keep them clean and after smoking, eating, drinking, using the toilet and handling soiled linens.

- 4) Clean linen shall be protected from contamination during handling, transport and storage.
- 5) Soiled linen shall be handled, transported and stored in a manner that protects facility residents and personnel.
- 6) If the laundry and its accessory storage and handling areas shall not be used as a storage area for supplies and equipment not directly connected with the operation of the laundry are stored in the laundry or its accessory storage and handling areas, they shall be protected from contamination by the soiled linens and shall not contribute to contamination of the clean linens.
- b) If an outside laundry service is used, it shall provide for protection of clean linens during transport back to the facility.
- c) If the facility provides laundry service for residents' personal clothing, it must be handled, transported and stored in a manner that will not allow contamination of clean linen or allow contamination by soiled linen. The facility shall assure that the personal clothing of each resident is returned to that individual resident after laundering.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section 330.2420 Equipment and Supplies

- a) The facility shall have a supply of thermometers, emesis basins, ice bags, hot water bottles or equivalent, bedpans, urinals, and sets of enema equipment sufficient to meet the needs of its residents. (B)
- b) There shall be at least one privacy bedside screen available in the facility for emergency use when resident privacy is needed each 50 beds or major fraction thereof in multiple-bed rooms to provide residents' privacy when needed.
- c) There shall be a sufficient supply of linen and bedding in good condition to provide proper care and comfort to the residents. It

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shall include, but is not limited, to the following: (B)

- 1) Sheets, four per bed.
- 2) Pillow cases, three per bed.
- 3) Bed blankets, two per bed.
- 4) Bedspreads, two per bed.
- 5) Washcloths and hand towels, as needed.
- 6) Bath towels, three per bed.
- 7) Patient hospital gowns as needed.
- 8) Pillows, one per bed plus a ten percent reserve.
- d) There shall be a first-aid kit or emergency box in every facility. This shall contain bandages, sterile gauze dressings, bandage scissors, tape, sling, burn ointment, and any other equipment deemed necessary. (B)
- e) Activity program supplies shall be provided to maintain an ongoing program to meet the varied interests and needs of the residents. These shall include, but are not limited to, games, crafts supplies, current magazines, books, radio, television, and record player. A piano or organ is recommended as an important adjunct to the activity program equipment.
- f) Dishes and kitchen equipment shall be provided as set forth in Section 330.2000.
- g) Cleaning equipment and supplies shall be provided as set forth in Sections 330.2210 through 330.2220.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW SHELTERED CARE FACILITIES

Section 330.3060 General Building Requirements

Every building shall:

- a) Be structurally sound, in good repair, and attractive inside and outside. (B)

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- b) Have a minimum of one adequately sized elevator in all buildings of two or more stories in height. Additional elevators as determined by the Department shall be provided based upon the population and condition of the residents. The basement shall be considered as one story if it is used by residents. (B)
- c) Have stairways with a minimum head room of seven feet, a minimum width of three feet eight inches on required exit stairs, when serving resident areas, and three feet for all others. If handrails project more than three and one-half inches, the width shall be measured between the handrails. Have treads of not less than 11 inches, and risers of not more than seven and one-half inches. Stairways with triangular or winding treads or single risers are not acceptable. (B)
- d) Have sturdy handrails on both sides of each stairway whether inside or outside of the building. Handrails shall be one and one-half inches in diameter at least and one and one-half inches clear of the wall. (B)
- e) Have a ceiling height of eight feet or more throughout all rooms occupied or used by the residents. (B)
- f) Have main entrance and exit doors swinging outward with a minimum clear width of three feet, eight inches. Provide panic hardware and door closers. (B)
- g) Have each exterior door equipped with a signal that will alert personnel in the area if a resident leaves the building. An exterior door that is supervised during certain periods during the day or night may have a disconnect device for part time use. If there is constant 24 hour a day supervision of the door, a signal is not required. (B)
- h) Have all doors and windows fit snugly and weathertight, yet will open and close easily.
- i) Have all outside doors, other than at required exits, and nonstationary windows equipped with tight fitting full length 16 mesh screens. Screen doors shall be equipped with self-closing devices.
- j) Have all floors free from cracks and finished so that they can be easily, properly, and efficiently cleaned. Floors in bath rooms, kitchens, and utility rooms shall be covered wall to wall with inlaid tile, masonry, terrazzo, ceramic tile, or an equivalent material. (B)

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- k) Have all walls and ceilings of sound construction and covered with plaster or an equivalent, free from cracks, holes, or heavily textured surfaces.
- l) Be constructed and maintained so as to prevent the entrance and harborage of rats, mice, flies, and other insects.
- m) Be provided with sufficient and satisfactory artificial lighting wherever required throughout the building and grounds.
- n) All doorways used by residents shall be flush with the floor.
- o) Be served by reliable telephone service. (B)
- p) Provide a medicine cabinet and sink with hot and cold running water. (See Section 330.1530(a).)
- q) Have no other business not related to health care conducted in the building that constitutes a hazard or annoyance to the residents. In any case, the business shall be in a segregated portion of the building and shall have a separate entrance.
- r) Install partitions, screens, shields, or other means to protect residents from thermal hazards such as radiators, hot water or steam pipes, baseboard heaters, therapy equipment, or other surfaces accessible to residents which may exceed a temperature of 140 degrees Fahrenheit. Any protective device shall be designed and installed so that it does not present a fire or safety hazard or adversely affect the safe operation of the equipment.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 330.3160 Plumbing

- a) Every building shall meet the following plumbing requirements:
 - 1) Comply with the Department's rules entitled "Illinois Plumbing Code" (77 Ill. Adm. Code 890). (A, B)
 - 2) All plumbing shall be of adequate size and so installed that fixtures receive water under good pressure and are satisfactorily drained.
 - 3) All plumbing fixtures having connections to the building water supply shall be connected or equipped so as to prevent any back flow of contaminated material to the water supply piping. (A, B)

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- 4) Individual sewer connections shall be such that backflow cannot occur from the building sewer to the fixture. (A, B)
- 5) No physical connection shall be permitted between a safe and an unsafe water supply. (A, B)
- b) The following standards shall be used as a guide to determine satisfactory compliance of individual fixtures:
 - 1) Lavatory faucets shall discharge at least one inch above the top rim of the lavatory bowl. (B)
 - 2) Bathtub, sink, laundry, and tub faucets shall discharge at least two inches above the top rim of the sink. (B)
 - 3) Flush tank type toilets shall be equipped with approved antisiphon ballcocks, so installed that the effective air openings of the vacuum breaker is at least one inch above the top of the overflow tube in the toilet flush tank. (B)
 - 4) Flushometer type toilets shall be equipped with approved vacuum breakers, installed on the discharge side of the flush valve, and at least four inches above the top of the toilet bowl. (B)
 - 5) Dishwashing machines, laundry machines, urinals, and drinking fountains shall be so installed as to provide backflow protection. (B)
 - 6) All fixtures having, or capable of receiving, a hose shall have a vacuum breaker located at least six inches above the highest head that normally may be placed on the unit. The height of the antisiphon unit should be sufficient to prevent any pressure on the unit, other than atmospheric pressure, when the control valve is closed. (B)
 - 7) Potable water shall be protected from cross connections to sewage piping systems, boilers, and other sources of contaminated water. (B)
 - 8) Hot water distribution systems shall be arranged to provide hot water of at least 100 degrees Fahrenheit at each hot water outlet at all times. (B)
 - 9) Hot water available to residents at shower, bathing and handwashing facilities shall not exceed 110 degrees Fahrenheit. (A, B)

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- 10) Each hot water system serving resident areas shall include at least one of the following equipment requirements to insure that the water temperature does not exceed 110 degrees Fahrenheit:
 - A) A thermostatically controlled mixing valve, or
 - B) An aquastat which limits the water temperature in the water heater to a maximum temperature of 110 degrees Fahrenheit and a solenoid operated shut off valve activated by a sensing element in the water line which shuts off the water and activates an alarm at the nurses station when the water temperature exceeds 110 degrees Fahrenheit. (A, B.)

(Source: Amended at 14 Ill. Reg. _____, effective _____)

SUBPART 0: DESIGN AND CONSTRUCTION STANDARDS FOR EXISTING
SHELTERED CARE FACILITIES

Section 330.3620 General Building Requirements

Every existing facility shall:

- a) Be structurally sound, in good repair, and attractive inside and out. (B)
- b) Have stairs, whether inside or outside of the building, provided with sturdy handrails. Stairways over three feet wide shall have handrails on each side. (B)
- c) Be served by reliable telephone service.
- d) Be served by reliable electrical service. The Department may require a standby electric generator on the premises to provide an emergency supply of electricity to maintain essential services when it has evidence that there has been frequent and prolonged interruptions of service that has resulted in a threat to the residents' health and welfare. (B)
- e) Be constructed and maintained so as to prevent the entrance and harborage of rats, mice, flies, and other insects.
- f) Have all outside doors, other than required exits, and nonstationary windows equipped with tight-fitting, full-length 16-mesh screens. Screen doors shall be equipped with self-closing devices.

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- g) Have each exterior door equipped with a signal that will alert personnel in the area if a resident leaves the building. Any exterior door that is supervised during certain periods during the day or night may have a disconnect device for part-time use. If there is constant 24 hour a day supervision of the door, a signal is not required. (B)
- h) Be provided with sufficient and satisfactory artificial lighting wherever required throughout the building and grounds.
- i) Have smooth floors which are free from cracks and finished so that they can be easily and properly cleaned. Floors in bathrooms, kitchens, and utility rooms shall be covered wall to wall with terrazzo, inlaid linoleum, tile or approved equivalent. (B)
- j) Have all walls and ceilings of sound construction, covered with plaster or approved equivalent, in good repair, and free from cracks or holes for easy and proper cleaning.
- k) Have all windows in good repair so that they fit snugly, yet will open and close easily.
- l) Have safety devices provided across low windows, on open porches, at changes in floor level, and at other danger areas inside or outside the building, when there is a danger present to residents. (B)
- m) Have no other business unrelated to health care conducted in the building that constitutes a hazard or annoyance to the residents. In any case, the business shall be in a segregated portion of the building.
- n) Have any thresholds for doorways used by residents flush with the floor.
- o) Have a ceiling height of eight feet or more throughout all rooms occupied or used by residents.
- p) Provide a medicine cabinet. (See Section 330.1520.)
- q) Install partitions, screens, shields, or other means to protect residents from thermal hazards such as radiators, hot water or steam pipes, baseboard heaters, therapy equipment, or other surfaces accessible to residents which may exceed a temperature of 140 degrees Fahrenheit. Any protective device shall be designed and installed so that it does not present a fire or safety hazard or adversely affect the safe operation of the equipment.

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(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 330.3690 Kitchen

Every existing facility shall:

- a) Provide a kitchen properly located for efficient food service, and large enough to accommodate the equipment and personnel needed to prepare and properly serve the number of meals required, all in accordance with the Department's rules entitled "Food Service Sanitation" (77 Ill. Adm. Code 750). Adequacy of the kitchen facilities will be determined by the Department if it is sufficient to meet the needs of the residents based on professional evaluation. (B)
- b) Provide a subkitchen with satisfactory facilities for serving meals properly from thermo containers; for storing staple foods and nutrients; and for properly washing and sanitizing dishes if the prepared meals are transported to the facility from a central kitchen in another building.
- c) Have the walls and ceilings of all food handling rooms finished with smooth, washable, light colored surfaces.
- d) Have all openings to the outer air effectively screened during fly season, and have screen doors either open outward, equipped with self-closing devices, or a satisfactory alternate method.
- e) Have adequate artificial light provided on all work surfaces in rooms in which food is prepared and dishes are washed. Artificial light shall be used except when equivalent natural light is present.
- f) Have food servicing rooms adequately ventilated so as to be reasonably free from disagreeable odors and moisture.
- g) Have an adequate supply of hot and cold running water under pressure, easily available to rooms in which food is prepared and dishes are washed.
- h) ~~Have a two-compartment sink or its equivalent; one compartment for washing dishes and the other for rinsing and disinfecting them. The compartment for disinfection shall be sufficiently deep to allow complete submersion of all items washed.---(B)~~
- h+) Have future installations of equipment of an institutional type in compliance with the adopted standards of the National Sanitation Foundation Testing Laboratory (including basic or special criteria),

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or equivalent. (B)

- i) Have the kitchen so located that no resident must pass through it to reach the bathroom, his bedroom, the living room, or out-of-doors.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 330.3720 Plumbing and Heating

- a) Every existing facility shall meet the following plumbing and heating requirements:

- 1) All plumbing shall comply with the Department's rules entitled "Illinois Plumbing Code" (77 Ill. Adm. Code 890) effective at the time of approval by the Department of either the architectural plans or the building. (A, B)
- 2) All plumbing within the building shall be of an adequate size and so installed that fixtures receive water under good pressure and are satisfactorily drained. (A, B)
- 3) No physical connection shall be permitted between a safe and an unsafe water supply. (A, B)
- b) All plumbing installations and fixtures on the premises shall be of such a type and design that danger of contaminated water entering the drinking water piping by backflow or backsiphonage is eliminated. The following standards shall be used as a guide to determine satisfactory compliance of individual fixtures: (A, B)
 - 1) Lavatory faucets shall discharge at least one inch above the top rim of the lavatory bowl. (B)
 - 2) Faucets for bathtubs, sinks, and laundry tubs shall discharge at least two inches above the top rim of the fixture. (B)
 - 3) Flush tank type toilets shall be equipped with approved antisiphon ball cocks, so installed that the effective air opening of the vacuum breaker is at least one inch above the top of the overflow tube in the toilet flush tank. (B)
 - 4) Flushometer type toilets shall be equipped with approved vacuum breakers installed on the discharge side of the flush valve and at least four inches above the top of the toilet bowl. (B)

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- 5) Dishwashing machines, laundry machines, urinals, and drinking fountains shall be so installed as to provide backflow protection. (B)
- 6) Protection against other backflow possibilities may be required by the Department. (B)
- 7) All fixtures having, or capable of receiving, a hose shall have a vacuum breaker located at least six inches above the highest head that normally may be placed on the unit. The height of the antisiphon unit should be sufficient to prevent any pressure on the unit, other than atmospheric pressure, when the control valve is closed. (B)
- 8) Hot water distribution systems shall be arranged to provide hot water of at least 100 degrees Fahrenheit at each hot water outlet at all times. (B)
- 9) Hot water available to residents at shower, bathing and handwashing facilities shall not exceed 110 degrees Fahrenheit. (A, B)
- 10) Protective measures such as but not limited to, installation of a mixing valve, limited access to controls, and checking water temperatures daily at various points, shall be implemented to insure that the temperature of hot water available to residents at shower, bathing and handwashing facilities shall not exceed 110 degrees Fahrenheit. (A, B)
 - c) The facility shall be equipped with a central heating plant, and have a radiator, convector, or register in each room used by residents or staff.
 - d) The heating system shall be capable of maintaining a temperature of 80 degrees Fahrenheit throughout the residents' section of the building during weather conditions when the temperature falls to 20 degrees below zero Fahrenheit.
 - e) Alternative modern types of heating systems may be accepted, if it is adequate to meet the needs of the residents as determined by professional standards.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

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- 1) The Heading of the Part: Trifecta Rules
- 2) Code Citation: 11 Ill. Adm. Code 409
- 3) Section Number: Proposed Action:
409.85 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1985, ch. 8,
pars. 9(b), 15
- 5) A Complete Description of the Subjects and Issues
Involved: This rulemaking provides for a longer
distance in harness trifecta races.
- 6) Will this proposed rule replace an emergency rule
currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal
date? No.
- 8) Does this proposed rule (amendment, repealer) contain
incorporation by reference? No.
- 9) Are there any other proposed amendments pending in
this part? Yes.
- 10) Statement of Statewide Policy Objectives: Not
applicable, no local governmental units will be
required to increase expenditures as a result of this
rulemaking.
- 11) Time, Place and Manner in which interested persons may
comment on this proposed rulemaking: Any interested
person may submit written comments concerning this
rulemaking. All comments must be submitted in writing
and should be addressed to:

Robert M. Podlasek
Illinois Racing Board
Board Counsel
State of Illinois Center
100 West Randolph
Suite 11-100
Chicago, Illinois 60601

The Illinois Racing Board will consider all written comment
it receives within 30 days of the date of publication of
this notice.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business
Assistance Office of the Department of Commerce
and Community Affairs: January 5, 1990
- B) Types of small businesses affected: No small
businesses are affected.
- C) Reporting, bookkeeping or other procedures
required for compliance: Not applicable.
- D) Types of professional skills necessary for
compliance: Not applicable.

The full text of the Proposed Amendment begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER b: RULES APPLICABLE TO ORGANIZATION LICENSEES

PART 409

TRIFECTA RULES

Section

- 409.10 Trifecta Wager
409.20 Entries and Fields Prohibited
409.30 Winning Combination
409.40 Dead Heat
409.50 Irregular Wagering Pattern
409.60 Special Conditions for Thoroughbred Trifecta Race (Repealed)
409.65 Trifecta Races
409.70 Special Conditions for Harness Trifecta Races (Repealed)
409.75 Restrictions on Thoroughbred Trifecta Races
409.80 Waiver of Rules (Repealed)
409.85 Restrictions on Harness Trifecta Races

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1979, ch. 8, par. 37-9(b)).

SOURCE: Adopted at 4 Ill. Reg. 38, p. 187, effective September 8, 1980; codified at 5 Ill. Reg. 10894; emergency amendment at 9 Ill. Reg. 2532, effective February 8, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 10271, effective June 21, 1985; amended at 14 Ill. Reg. _____, effective _____.

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Section 409.85 Restrictions on Harness Trifecta Races

All harness trifecta races shall be contested at a distance of at least one mile.

(Source: Amended at 14 Ill. Reg. _____, effective _____.)

1) Heading of Part: Certificates of Title, Registration of Vehicles

2) Code Citation: 92 Ill. Adm. Code 1010

3) Section Number Proposed Action
1010.170 New Section

4) Statutory Authority: Implementing Chapter 3 and authorized by Section 2-104(b) of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 3-100 et seq. and 2-104(b))

5) A Complete Description of the Subjects and Issues Involved: This rulemaking establishes the criteria for scrap processors to file a junking notification form with the Department in lieu of applying for a junking title.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference?
No

9) Are there any other amendments pending on this Part?

<u>Section Number</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
1010.450	Amendment	13 Ill. Reg. 15357
1010.745	Repealed	13 Ill. Reg. 19235
1010.750	Repealed	13 Ill. Reg. 19235

10) Statement of Statewide Policy Objectives: This rulemaking will not affect any units of local government.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking. Written comments may be submitted within 45 days to:

Robert B. Powers
Assistant Counsel to the Secretary
Office of the Secretary of State
298 Centennial Building
Springfield, Illinois 62706
217/785-3094

12) Initial Regulatory Flexibility Analysis: After careful consideration, the Secretary has determined that this rulemaking will have no effect on small businesses and this rulemaking has not been submitted to the Small Business Office of the Department of Commerce and Community Affairs.

The full text of the proposed amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENT(S)

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

SUBPART E: SPECIAL PERMITS AND PLATES

PART 1010
CERTIFICATES OF TITLE, REGISTRATION OF VEHICLES

SUBPART A: DEFINITIONS

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1010.10
1010.20

Owner--Application of Term
Secretary and Department

SUBPART B: TITLES

Section
1010.110

Salvage Certificate--Additional Information Required to Accompany Application for a Certificate of Title for a Rebuilt or a Restored Vehicle Upon Surrendering Salvage Certificate
1010.120 Salvage Certificate--Assignments and Reassignments
1010.130 Exclusiveness of Lien on Certificate of Title
1010.140 Documents Required to Title and Register Imported Vehicles Not Manufactured in Conformity with Federal Emission or Safety Standards
1010.150 Transferring Certificates of Title Upon the Owner's Death
1010.160 Repossession of Vehicles by Lienholders and Creditors
1010.170 Junking Notification

SUBPART C: REGISTRATION

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1010.210
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Application for Registration
Vehicles Subject to Registration - Exceptions
Refusing Registration or Certificate of Title
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SUBPART D: REVOCATION, SUSPENSION AND CANCELLATION OF REGISTRATION

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Operation of Vehicle after Cancellation, Suspension, or Revocation of any Registration
Improper Use of Evidences of Registration
Suspension, Cancellation or Revocation of Illinois Registration Plates and Cards and Titles
Operation of Vehicle Without Proper Illinois Registration
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Temporary Registration - Individual Transactions
Temporary Permit Pending Registration In Illinois
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Special Event License Plates
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Sample License Plates For Motion Picture and Television Studios
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When Fees Returnable
Circuit Breaker Registration Discount
Maximum Fees for Distribution of Motor Vehicle Renewal Plates and/or Stickers

SUBPART G: MISCELLANEOUS

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Unlawful Acts, Fines and Penalties
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SUBPART H: SECOND DIVISION VEHICLES

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Vehicle Proration
Proration Fees
Vehicle Apportionment
Trip Leasing
Intrastate Movements, Foreign Vehicles
Interline Movements
Trip and Short-term Permits
Signal 30 Permit for Foreign Registered Vehicles
Signal 30-Year-round for Prorated Fleets of Leased Vehicles
Mileage Tax Plates
Suspension or Revocation of Illinois Mileage Weight Tax Plates

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- 1010.760 Transfer for "For-Hire" Loads
 1010.765 Suspension or Revocation of Exemptions as to Foreign Registered Vehicles
 1010.770 Required Documents for Trucks and Buses to detect "intrastate" movements
 1010.775 Certificate of Safety

APPENDIX A Uniform Vehicle Registration Proration and Reciprocity Agreement
 APPENDIX B International Registration Plan

AUTHORITY: Implementing Chapter 3 and authorized by Section 2-104(b) of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, pars. 3-100 et seq. and 2-104(b)).

SOURCE: Filed and effective December 15, 1970; emergency amendments at 2 Ill. Reg. 25, p. 119, effective June 14, 1978 for a maximum of 150 days; amended at 3 Ill. Reg. 12, p. 76, effective March 23, 1979; amended at 3 Ill. Reg. 29, p. 123, effective July 20, 1979; amended at 4 Ill. Reg. 17, p. 247, effective April 11, 1980; emergency amendments at 4 Ill. Reg. 21, p. 99, effective May 14, 1980 for a maximum of 150 days; amended at 6 Ill. Reg. 2241, effective February 1, 1982; amended at 6 Ill. Reg. 11076, effective August 26, 1982; codified at 6 Ill. Reg. 12674; amended at 7 Ill. Reg. 1432, effective January 21, 1983; amended at 7 Ill. Reg. 1436, effective January 21, 1983; amended at 8 Ill. Reg. 5329, effective April 6, 1984; amended at 9 Ill. Reg. 3358, effective March 1, 1985; amended at 9 Ill. Reg. 9176, effective May 30, 1985; amended at 9 Ill. Reg. 12863, effective August 2, 1985; amended at 9 Ill. Reg. 14711, effective September 13, 1985; amended at 10 Ill. Reg. 1243, effective January 6, 1986; amended at 10 Ill. Reg. 4245, effective February 26, 1986; amended at 10 Ill. Reg. 14308, effective August 19, 1986; recodified at 11 Ill. Reg. 15920; amended at 12 Ill. Reg. 14711, effective September 15, 1988; amended at 12 Ill. Reg. 15193, effective September 15, 1988; amended at 13 Ill. Reg. 1598, effective February 1, 1989; amended at 13 Ill. Reg. 5173, effective April 1, 1989; amended at 13 Ill. Reg. 7965, effective May 15, 1989; amended at 13 Ill. Reg. 15102, effective September 15, 1989; amended at 13 Ill. Reg. _____, effective _____.

Section 1010.170 Junking Notification

- a) If a vehicle is sold to a scrap processor, the scrap processor may file a junking notification form with the Department in lieu of applying for a junking title.
- b) A junking notification form shall be filled out completely and contain the following information:
- 1) the title number of the vehicle, if applicable;
 - 2) the vehicle identification number;

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- 3) the year model, vehicle make, vehicle model, and body type;
 - 4) the scrap processor's name, address and license number;
 - 5) the agent's signature for scrap processor; and
 - 6) the seller's name and address.
- c) The junking notification form shall be accompanied by original documents identifying proof of ownership. Proof of ownership shall include a properly assigned title, a salvage certificate, or a certificate of purchase completed by police or towing company.
- d) A photocopy of the junking notification form and copies of the proof of ownership documents shall be retained by the scrap processor for at least three (3) years. The original documents should be mailed to the following address:

Office of the Secretary of State
 Title Processing Division
 Room 611, Centennial Building
 Springfield, Illinois 62756

(Source: Added at 13 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Commercial Driver Training Schools

2) Code Citation: 92 Ill. Adm. Code 1060

3) Section Numbers:

Proposed Action

1060.5	Amendment
1060.20	Amendment
1060.60	Amendment
1060.70	Amendment
1060.100	Amendment
1060.130	Amendment
1060.140	Amendment
1060.150	Amendment
1060.160	Amendment
1060.230	Amendment
1060.240	Amendment
1060.250	Amendment
1060.260	New Section

4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-104(b)) and Section 6-100 et seq. of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-100 et seq.)

5) A Complete Description of the Subjects and Issues Involved: These proposed rulemakings contain minor editorial and other changes made to the existing Sections. All applicable Sections have been amended to reflect the statutory amendments to §6-500 et seq. of the Illinois Driver Licensing Law of the Illinois Vehicle Code effective April 1, 1990. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-500 et seq.) New §1060.260 contains the requirements of a licensed commercial driver training school to be accredited to offer instruction to persons who wish to obtain a CDL, and/or an endorsement(s) and/or a restriction(s) to their driver's license.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed rulemaking contain incorporations by reference? No.

9) Are there any other amendments pending on this part? No.

10) Statement of Statewide Policy Objective: This rulemaking will have no effect on local units of government.

11) Time, place and Manner in which interested persons may comment on this Proposed rulemaking: The Secretary of State will fully consider all comments received within 45 days of the date this notice is published. All comments must be in writing and should be sent to:

Nancy Short
Assistant Counsel to the Secretary
2701 S. Dirksen Parkway
Springfield, IL 62723
217/782-5356

12) Initial Regulatory Flexibility Analysis: After careful consideration, the Secretary of State feels this proposed rulemaking will affect some types of small businesses and the proposed rule has been submitted to the Small Business Office of the Department of Commerce and Community Affairs.

The full text of the proposed rule begins on the next page.

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October 13, 1987; amended at 12 Ill. Reg. 13203, effective August 1, 1988; amended at 12 Ill. Reg. 19756, effective November 15, 1988; amended at 14 Ill. Reg. _____, effective _____.

Section 1060.5 Definitions

For purposes of this Part, the following definitions shall apply:

"Branch Office" - an office of a Commercial Driver Training School in a distinct location from the main office, but which conducts business under the name and as a part of the School as provided in Article IV of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-401 et seq.) and which meets the requirements of Sections 1060.60-1060.80 of this Part.

"Cancellation" - the annulment or termination by formal action of the Secretary of driver training school's license or driver training school instructor's license because of some error or defect in the license or because the licensee is no longer entitled to such license, but the cancellation of a license is without prejudice and application for a new license may be made any time after such cancellation as provided for a driver's license in Section 1-110 of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-110.)

"CDL and/or Endorsement Accreditation" - the accreditation of a commercial driver training school by the Department, which allows the school to offer instruction to students who wish to obtain a CDL and/or endorsement.

"Commercial Driver's License (CDL)" - a driver's license issued by a State to a person, which authorizes that person to drive a certain class of commercial motor vehicle or vehicles.

"Commercial Driver Training School" - an entity licensed by the Secretary of State to engage in the business of giving instruction for a fee in the driving of motor vehicles or in the preparation of an applicant for examination given by the Secretary of State for a driver's license or permit. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-401.)

"Commercial Driver Training Unit Section" - a unit of the Department of Driver Services which oversees the licensing of commercial driving schools and the instructors in commercial driver training schools.

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1060
COMMERCIAL DRIVER TRAINING SCHOOLS

Section	Definitions
1060.5	Unlicensed Person May Not Operate Driver Training School
1060.10	Licenses
1060.20	Driver Training Schools Names
1060.30	Refund of Application Fees
1060.40	Main Office and Branch Office Facility
1060.50	Restriction of Locations
1060.60	Required Facilities
1060.70	School Classroom Facility
1060.80	Driver Training School Student Instruction Record
1060.90	Driver Training School Course of Instruction
1060.100	Driver Training School Contracts
1060.110	Inspection of School Facilities
1060.120	Display of License
1060.130	Safety Inspection of Driver Training School Motor Vehicles
1060.140	Additional Requirements of Applicants for a Driver Training Instructor's License
1060.150	Examination for Driver Training Instructor
1060.160	Licenses Not Transferable
1060.170	License May Not Be Assigned
1060.180	Surrender of Driver Training School License
1060.190	Temporary Permit
1060.200	Driver Training School Responsibility for Employees
1060.210	Solicitation of Students and Pupils for Commercial Driver Training Instruction
1060.220	Hearings
1060.230	Commercial Driver Schools Teen Certification Accreditation
1060.240	Denial, Cancellation, Suspension, and Revocation of Commercial Driver Training School's License and Instructor's License
1060.250	Commercial Driver License and/or Endorsement and/or Restriction Accreditation

AUTHORITY: Implementing Article IV of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 6-401 et seq.) and authorized by Section 2-104(b) of the Illinois Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-104(b)).

SOURCE: Filed March 2, 1972; codified at 6 Ill. Reg. 12697; transferred from 23 Ill. Adm. Code 252.50 (State Board of Education) pursuant to Section 7(e) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, par. 1007(e)) and Section 6-411 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-411) at 11 Ill. Reg. 1631, effective December 31, 1986; amended at 11 Ill. Reg. 17244, effective

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"Commercial Motor Vehicle" - a motor vehicle having a GVWR of 26,001 pounds or more, or such lesser GVWR as subsequently determined by Federal regulations or the Secretary of State; or any combination of vehicles with a GVWR of 26,001 pounds or more, provided the GVWR of any vehicle(s) being towed is 10,001 pounds or more; or a vehicle designed to transport 16 or more persons; or a vehicle transporting hazardous materials that is required to be placarded. The definition does not include recreational vehicles when operated primarily for personal use, military vehicles being operated by non-civilian personnel or firefighting equipment owned or operated by or for a governmental entity.

"Department" - Department of Driver Services within the Office of the Secretary of State.

"Endorsement" - an indication on the driver's license that the driver has qualified to operate certain types and/or combinations of vehicles, and/or carry specified cargo.

"Fraud" - willful misrepresentation regarding a school, an instructor, or the results of completing the course.

"Gross Combination Weight Rating (GCWR)" - the GVWR of the power unit plus the GVWR of the towed unit(s) or the combined registered weight of the power unit plus the towed unit, whichever is greater.

"Gross Vehicle Weight Rating (GVWR)" - the value specified by the manufacturer(s) as the maximum loaded weight of a single vehicle, or the registered gross weight, whichever is greater.

"Instruction Record" - records kept by the instructor to reflect the number of hours a pupil in a Commercial Driver Training School attends behind-the-wheel and classroom instruction as provided in Section 6-418 of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-418.)

"Main Office" - the primary office of the Commercial Driver Training School which is designed solely for conducting the business of the school as provided in Article IV of the Illinois Driver Licensing Law of the Illinois Vehicle Code.

"Physical Facilities" - the building and items which constitute part of the building, including the telephone and the furniture.

"Restriction" - requirement, condition or operating authority added to a driver's license which must be met by the license holder before he/she may legally operate a motor vehicle.

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"Revocation" - the termination by formal action of the Secretary of a commercial driver training school's license or a commercial driver training school instructor's license, which termination shall be subject to renewal or restoration identical to the provisions for revocation of a driver's license as provided in Section 1-176 of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-176.)

"Sex and Drug Related Offenses" - the offenses of criminal sexual assault (Section 12-13 of the Criminal Code of 1961 (Ill. Rev. Stat. 1987, ch. 38, par. 12-13)), aggravated criminal sexual assault (Section 12-14 of the Criminal Code of 1961 (Ill. Rev. Stat. 1987, ch. 38, par. 12-14)), criminal sexual abuse (Section 12-15 of the Criminal Code of 1961 (Ill. Rev. Stat. 1987, ch. 38, par. 12-15)), aggravated criminal sexual abuse (Section 12-16 of the Criminal Code of 1961 (Ill. Rev. Stat. 1987, ch. 38, par. 12-16)), juvenile pimping (Section 11-19.1 of the Criminal Code of 1961 (Ill. Rev. Stat. 1987, ch. 38, par. 11-19.1)); soliciting for a juvenile prostitute (Section 11-15.1 of the Criminal Code of 1961 (Ill. Rev. Stat. 1987, ch. 38, par. 11-15.1)), unauthorized manufacture or delivery of a controlled substance which shall include counterfeit drugs (Section 1401 of the Illinois Controlled Substances Act (Ill. Rev. Stat. 1987, ch. 56 1/2, par. 1401)), sale, delivery or exchange of instruments used for illegal drug use or abuse (Section 22-51 of the Criminal Code of 1961 (Ill. Rev. Stat. 1987, ch. 38, par. 22-51)), delivery of a controlled substance which includes counterfeit and look alike substances (Section 1407.1 of the Illinois Controlled Substances Act (Ill. Rev. Stat. 1987, ch. 56 1/2, par. 1407.1)), manufacture or delivery of cannabis (Section 705 of the Illinois Controlled Substances Act (Ill. Rev. Stat. 1987, ch. 56 1/2, par. 705)), delivery of cannabis (Section 707 of the Illinois Controlled Substances Act (Ill. Rev. Stat. 1987, ch. 56 1/2, par. 707)), and the production of the cannabis plant (Section 708 of the Illinois Controlled Substances Act (Ill. Rev. Stat. 1987, ch. 56 1/2, par. 708)), and illegal possession in a motor vehicle of any controlled substance or any cannabis. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-206(a)(28).)

"Short Review Course" - a course offered by Commercial Driver Training Schools to pupils who have previously held or currently hold a valid driver's license and which does not meet the requirement of six (6) hours of classroom instruction and six (6) hours behind-the-wheel instruction.

"Surety Bond" - a written obligation whereby another person assumes liability for another's debts or defaults of obligation.

"Suspension" - the procedures for temporary withdrawal of a commercial driver training school's license or commercial driver training school instructor's license identical to the provisions for the suspension of

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a driver's license as provided in Section 1-204 of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-204.)

"Teen Accreditation" - the accreditation of a commercial driver training school by the Department, which allows the school to offer instruction to teenage pupils.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 1060.20 Licenses

a) The Department shall not issue a driver training school license to any person unless:

1) The applicant has at least one motor vehicle registered owned or leased in the name of the driver training school or school owner indicated on the license, and registered by the Secretary of State Vehicle Services Department, which has been safety inspected and insurance certified as required herein for use by the school for driver training purposes and driving instruction;

2) The applicant has at least one person who is employed by or associated with the school, and who is licensed or qualified to be licensed by the Department as a driver training instructor for that school;

3) The physical facilities meet the requirements of Sections 1060.50, 1060.60, 1060.70, and 1060.80 of this Part;

4) The applicant is of good moral character as required pursuant to Section 6-402(a) of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-402(a).) In making a determination of good moral character, the Department is not limited to, but may consider the following:

- A) if the applicant has been convicted of a crime; or,
- B) the age of the applicant at the time any criminal conviction was entered; or,
- C) the length of time that has elapsed since the applicant's last criminal conviction; or,
- D) the relationship of any crime convicted of to the ability to operate a driver training school; or,

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E) any evidence of rehabilitation after a criminal conviction; or,

F) opinions of community members concerning the applicant.

b) Only one driver training school license shall be issued to any individual, group, association, partnership or corporation, and the Department shall deny the application of any driver training school if any of the applicants are unqualified or are already licensed or have made application for another driver training school license.

c) No person or group licensed as a driver training school, or any agent, servant or employee of any driver training school, shall give driver training instruction unless licensed by the Department as a driver training instructor.

d) The applicant shall not be a current salaried or contractual employee of the Secretary of State as mandated by the guidelines of the Secretary of State's Office policy manual which states that an employee shall not advocate or promote specific professional or commercial services to the public in matters under the jurisdiction of the Office of the Secretary of State.

e) No school shall operate before it is properly licensed to do business in the State of Illinois by the Secretary of State as provided in Section 6-401 et seq. of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 604-1 et seq.)

f) No school may remain in operation if its license to do business in Illinois is suspended, revoked, cancelled or not renewed.

g) No accreditation program shall remain in operation if properly qualified personnel are not available or if other changes occur which would reduce its qualifications. Exception: in the event of fire, flood or other catastrophe, the school may temporarily continue to operate with facilities which are not up to standards only for the duration of the courses which have been started, if the Director of the Department consents for them to do so. A Secretary of State employee shall determine that no health or safety hazard exists in violation of any local, state or federal ordinance, before the Director of the Department shall give his/her consent. No new course can be started until facilities meet the minimum requirements for licensing.

eh) Investigation and Inspection by the Department
Upon receipt of a properly executed application for a driver training school license, or driver training instructor's license, the Department shall investigate the qualifications of the applicant, and authorized representatives shall inspect the school property and equipment to determine whether the application should be granted or denied.

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§i) Licenses shall be issued by the Department.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 1060.60 Restriction of Locations

a) A Mmain Office or Bbranch Office may use a telephone answering service; however, no solicitation of students may be made other than from the Mmain Office or Bbranch Office.

b) The use of telephone mileage lines from the Bbranch Office or Mmain Office are is permitted; however, no new business shall be conducted from a private residence by the use of a mileage line.

c) The established place of business or branch office, branch classroom or advertised address of any driver training school shall comply with all restrictions contained in Section 6-405 of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-405.)

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 1060.70 Required Facilities

The established place of business of each driver training school shall comply with Section 6-406 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-406), and, in addition:

a) The Mmain Office and each Bbranch Office shall have a minimum of 150 square feet of office space, and,

b) Each school facility must post, in a conspicuous place, on or near the permanent school sign, the days and regular hours when open. A school shall not be deemed open for business unless at least one authorized representative of the school is present, and,

c) The Mmain Office and each Bbranch Office facility of each driver training school shall not be used to conduct any business other than on the same premises that is not reasonably related to driver training.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 1060.100 Driver Training School Course of Instruction

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a) A minimum of six (6) hours of classroom instruction and six (6) hours of behind-the-wheel instruction must be offered to each student who enrolls in any driver training school. If a student declines the classroom instruction, the school shall secure a signed statement from the student on forms prescribed by the Department, wherein such student states that he has been offered the six (6) hours of classroom instruction and declines the instruction. Such statements shall be kept with the student's instruction records.

b) No discounts, premiums or other inducements shall be offered or provided to any student who declines the classroom phase of instruction.

c) Classroom instruction shall be made available at least once each calendar month for students currently enrolled in the school and shall include instruction in safe driving practices in the operation of motor vehicles.

d) The minimum of six (6) hours of behind-the-wheel instruction shall consist of actual driving practice while in a motor vehicle. Instruction given while the vehicle is parked shall not be recorded or be considered as classroom instruction. Behind-the-wheel instruction must only be given in a motor vehicle owned or leased by the Driver Training School which has been safety inspected by the Illinois Department of Transportation and has insurance which has been certified by the Department.

e) The minimum of six (6) hours of classroom instruction shall be offered to all students enrolled for a regular course in any driver training school. Time spent by a student operating a driving simulator under the supervision of a licensed instructor may be counted as classroom instruction time, provided the student receives at least four (4) hours of lectures or other instruction on safe driving practices.

f) Students enrolled in a short review course need not comply with the minimum requirements stated above; however, no driver training school shall offer a short review course to any student who has never had a valid driver's license or a course in driver training and instruction which meets the minimum requirements prescribed above.

g) All driver training schools shall have a licensed instructor available so that the student may receive the proper classroom and behind-the-wheel instruction within a reasonable time after the student has indicated his desire for driving instruction.

h) In-eae Behind-the-wheel driving lessons, observation lessons, travel time, or any combination thereof, shall not exceed three (3) hours in length for any student in any 24 hour period, excluding time spent at Driver's License Examination Facility for testing purposes. If more

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than one student is present in the training car, (e.g. one student behind-the-wheel, one observing), the total combined time should not exceed three (3) hours, excluding time spent at Driver's License Examination Facility for testing purposes.

- i) Each driver training school must submit a "Slow Learner Report" on a form prescribed by the Department showing the name, address, and number of behind-the-wheel or classroom instruction periods taken for every student who has had twenty (20) hours of behind-the-wheel or classroom instruction. A supplementary "Slow Learner Report" must be submitted after each additional ten (10) hours of instruction and a final report must be submitted within five (5) days after any such student completes his instruction. A driver training school providing training for a commercial driver's license is exempt from this requirement.

- j) A student must possess a current and valid instruction permit.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 1060.130 Display of License

Each driver training school must comply with Section 6-409 of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-409.) In addition, the branch classroom shall be identified as such by a permanent sign which indicates the location of the main office and classroom and which is reasonably visible to the general public from outside the branch classroom.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 1060.140 Safety Inspection of Driver Training School Motor Vehicles

- a) All motor vehicles used by any driver training school or driver training instructor for driving instruction or driver training purposes shall be safety inspected by the Illinois Department of Transportation. Evidence of such inspection must accompany the initial or renewal driver training school application. Any new vehicle purchased after the issuance of a school license shall be so inspected for safety and such evidence of inspection must be delivered to the Department.

- b) Motor vehicles which have passed safety inspection shall be issued a safety inspection sticker, which identifies the year in which the sticker is valid. The safety inspection stickers shall not be removed unless the term of validity has expired or the motor vehicle ceases to

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be used for driver training instruction or driver training purposes by the driver training school identified on the sticker.

- c) It shall be the responsibility of the driver training school to remove and destroy the safety inspection sticker when the term of its validity has expired or the motor vehicle ceases to be used by the driver training school for driver training instruction or driver training purposes.

- d) No motor vehicle may be used for driver training unless:

- 1) It is equipped with a dual braking device which will enable an accompanying instructor to bring the car under control in case of an emergency as required pursuant to Section 6-410(b) of the Illinois Driver Licensing Law of the Illinois Vehicle Code.

Commercial motor vehicles are exempt from this requirement.

- 2) If equipped with a standard transmission, it is equipped with at least a dual clutch and braking device which will enable an accompanying instructor to bring the car under control in case of an emergency. Commercial motor vehicles are exempt from this requirement.

- 3) It is equipped with a driver and passenger sideview mirror as required pursuant to Section 6-410(b) of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-410(b).)

- 4) It is registered owned or leased in the name of a driver training school licensed by the Department or school owner indicated on the license, and registered by the Secretary of State Vehicle Services Department pursuant to Statute and these Rules, or is leased by a driver training school and a lease agreement is submitted to the Department signed by the lessor and lessee. The lease agreement shall contain the make, year, and serial number of the vehicle. It shall also contain the names and addresses of the lessor and lessee;

- 5) It is in safe operating condition;

- 6) It is listed in the driver training school license application or supplemental application or schedule on file with the Department;

- 7) It is properly identified as a driver training motor vehicle by equipping the motor vehicle with a sign or signs visible from the front and the rear in letters no less than 2 inches tall, listing the full name of the driver training school which has registered and insured the motor vehicle pursuant to Section 6-410(c) of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-410(c).)

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8) It displays a current and valid safety inspection certificate/sticker.

9) Current and valid registration on the vehicle used for driver training must be retained in the vehicle.

e) The Department shall not issue an insurance sticker until the school has provided to the Department a vehicle Fleet Schedule which lists the vehicle(s) used by the school and which is signed by an authorized representative of the Illinois Department of Transportation.

f) The insurance certificate sticker shall be firmly attached to the lower right portion of the front windshield of the vehicle and shall not be removed until the term of validity has expired or the motor vehicle ceases to be used for driver training instruction or driver training purposes by the driver training school identified on the sticker.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 1060.150 Additional Requirements of Applicants for a Driver Training Instructor's License

- a) The Department shall not issue a driver training instructor's license:
 - 1) To any person who has not held a valid driver's license for any period of time within two (2) consecutive years immediately preceding the date of application for an instructor's license. The following shall not interrupt the running of the two (2) consecutive year requirement: a lapse in renewal of the driver's license of less than thirty (30) days, a lapse due to a suspension for an auto emissions violation, failure to appear, a warrant parking/traffic violation, a safety responsibility violation, a financial responsibility violation or an unsatisfied judgment, as described in 92 Ill. Adm. Code 1040.42; or an administrative revocation which has been rescinded;
 - 2) To any person who has been convicted of more than two (2) offenses against traffic regulations governing the movement of traffic within the two (2) year period immediately preceding the date of application for an instructor's license;
 - 3) To any person who has had more than one (1) conviction of a violation which caused an auto accident within the two (2) year period immediately preceding the date of application for an instructor's license;

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- 4) To any person who has been convicted of driving under the influence of alcohol and/or other drugs, pursuant to Section 11-501 of the Illinois Rules of the Road of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 11-501), leaving the scene of a fatal accident, pursuant to Section 11-401 of the Illinois Rules of the Road of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 11-401), reckless homicide, pursuant to Section 9-3 of the Criminal Code of 1961 (Ill. Rev. Stat. 1987, ch. 38, par. 9-3), reckless driving, pursuant to Section 11-503 of the Illinois Rules of the Road of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 11-503), or any sex or drug related offense within 10 5 years prior to date of application;
- 5) To any person who has failed to pass the written or road test required by the Department for applicants for a driver training instructor's license;
- 6) To any person who is physically unable to safely operate a motor vehicle or to safely instruct or train others in the operation of a motor vehicle as determined by a licensed physician pursuant to Section 6-411(d) of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-411(d).) An application/medical examination form provided by the Secretary of State shall be completed by the applicant and physician. The physician's medical examination form shall contain any history of epilepsy, diabetes, heart disease, respiratory disease, or genital urinary disease. The form shall also contain an indication of the person's eyesight, hearing, mental alertness, reflexes, and whether the person has normal use of his limbs and feet. The physician must also provide his address and the date and place of the examination. Those persons who are solely classroom instructors shall comply with paragraph d) of this Section.
- 7) To any person who fails to properly and fully complete an application for such license or otherwise indicates that he is unqualified to receive a driver training instructor's license;
- 8) To any person who is not employed or associated with a driver training school licensed by the Department as required pursuant to Section 6-417 of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-417.);
- 9) To any person who is currently a salaried or contractual employee of the Secretary of State as mandated by the guidelines of the Secretary of State's Office Policy Manual which states that an employee shall not advocate or promote specific professional or

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commercial services to the public in matters under the jurisdiction of the Office of the Secretary of State;

- 10) To any person who fails to supply a complete set of fingerprints to the Department as required pursuant to Section 6-411(b) of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-411(b).);

- 11) To any person who is not at least 21 years of age and a resident of the State of Illinois;

- 12) To any person who has failed to comply with the provisions of the these Rules pursuant to Section 6-411(d) of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-411(d).);

- 13) To any person who is not of good moral character as required pursuant to Section 6-411(a) of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-411(a).) In making a determination of good moral character, the Department is not limited to, but may consider the following:

- A) if the person has been convicted of a crime; or,
- B) the age of the person at the time any criminal conviction was entered; or,
- C) the length of time that has elapsed since the person's last criminal conviction; or,
- D) the relationship of any criminal convicted to the ability to teach as a driver training instructor; or,
- E) any evidence of rehabilitation after a criminal conviction; or,
- F) opinions of community members concerning the applicant.

- 14) To any person whose suspension under Section 11-501.1 of the Illinois Vehicle Code has terminated within 5 years prior to date of application. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 11-501.1.)

- b) If an applicant indicates that he has been convicted of a felony, the applicant shall submit a signed release allowing the Department to obtain any information regarding the applicant's arrest and conviction, thereby enabling the Department to determine the fitness of an applicant to be licensed as an instructor.

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- c) No driver training instructor shall teach a person to operate provide behind-the-wheel instruction in a vehicle which is classified higher than the classification of such instructor's driver's license. An instructor may hold two classifications; one classification from Classes A, B, C and D, and one classification from Classes L and M. An instructor holding a Class B license may teach students to drive all Class A and B vehicles. An instructor holding a Class C license may teach students to drive all Class A, B, C and D vehicles. An instructor holding a Class D license may teach students to drive all Class A, B, C and D vehicles. An instructor holding a Class A, B, C, and D license may teach students to drive all Class A, B, C, and D vehicles. An instructor holding a Class B commercial driver's license may teach students to drive all Class B, C, and D vehicles. An instructor holding a Class C commercial driver's license may teach students to drive all Class C and D vehicles. However, an instructor holding a non-commercial driver's license may only teach students who do not require a commercial driver's license. An instructor holding a Class M license may teach students to drive all Class L and M vehicles.

- d) Any person who is physically unable to safely operate a motor vehicle but meets all other requirements to be a driver training instructor shall be able to teach only the classroom portion of the driver training course upon receipt of a doctor's statement indicating the person is physically able to teach in the classroom. The person shall also pass the vision test, as provided in 92 Ill. Adm. Code 1030.70, the written test, as provided in 92 Ill. Adm. Code 1030.80, the highway safety sign test, and submit all applicable fees as set out in Section 6-411(g) of the Illinois Driver Licensing Law of the Illinois Vehicle Code before being issued an instructor's license for classroom instruction only. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-411(g).)

- e) All instructors who have ceased to be employed or associated with the designated school on their license must submit a new complete instructor's license application and application fee before being licensed to instruct at another school or in the same school after such cessation.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 1060.160 Examination for Driver Training Instructor

- a) Each individual desiring to be licensed as a driver training instructor for a specific driver training school, must pass a written test, traffic control test, vision test, and a driving test which will be offered by the Department at periodic intervals.

- 1) The written test shall consist of questions dealing with:

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A) Chapter 95 1/2 of the Illinois Revised Statutes;

B) Safe Driving Practices;

C) Operation of Motor Vehicles;

D) Teaching Methods; and,

E) Commercial Driver Training Schools (92 Ill. Adm. Code 1060).

2) In order to pass the written test which consists of one hundred (100) true/false and multiple choice questions, an individual shall answer at least eighty-five (85) of the questions correctly.

3) The individual shall meet the criteria established in 92 Ill. Adm. Code 1030.70 in order to pass the vision test.

4) The individual shall meet the criteria established in 92 Ill. Adm. Code 1030.85 in order to pass the road test. The Department shall not issue a driver training instructor's license to any person who is physically unable to safely operate a motor vehicle or to safely instruct or train others in the operation of a motor vehicle as determined by a licensed physician pursuant to Section 6-411(d) of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-411(d)). The physician's medical examination form shall contain any history of epilepsy, diabetes, heart disease, respiratory disease, or genital urinary disease. The form shall also contain an indication of the person's eyesight, hearing, mental alertness, reflexes, and whether the person has normal use of his limbs and feet. The physician must also provide his address and the date and place of the examination. Those persons who are solely classroom instructors shall comply with Section 1060.150(d) of this Part.

5) The individual shall not miss any questions on the official traffic control device test in order to pass the test.

b) Each applicant will be given a maximum of three (3) opportunities in a calendar year to pass the driver training instructor's examination. Individuals who have failed at their first attempt must wait at least two (2) days before taking a second examination. Individuals who have failed their second examination must wait at least two (2) weeks before taking a third examination. Individuals who have failed their third examination must wait at least one (1) year from the date of the third failure before making a new application. However, no individual will be given a subsequent examination unless proof is presented to the Department that the applicant has participated in a course of

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instruction designed to educate the applicant and prepare him for the driver training instructor's examination.

(Source: Amended at 14 Ill. Reg. _____, effective _____).

Section 1060.230 Hearings

An individual who requests to contest the cancellation, suspension or denial of his/her driver training school or driver training school instructor license shall have a hearing conducted pursuant to Section 2-118 of the Illinois Vehicle Code and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-118) and 92 Ill. Adm. Code 1001, Subpart A. Prior to the suspension, revocation, cancellation or denial of the license or accreditation of a commercial driver training school or commercial driver training school instructor, the Department shall give fifteen (15) days written notice to such school or person. The sanction shall be effective on the 15th day. If a formal hearing is requested in writing during the notice period, in accordance with 92 Ill. Adm. Code 1001, Subpart A and Section 2-118 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-118), the sanction shall be stayed pending the outcome of such hearing. The basis for such cancellation, suspension, revocation, or denial of a license or renewal of a license is stated in Section 6-420 of the Illinois Driver Licensing Law of the Illinois Vehicle Code and Section 1060.250. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-420.)

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 1060.240 Commercial Driver School Teen Certification Accreditation

a) Certification Accreditation of the School - Each professional commercial driver training school which desires to offer instruction to those under the age of 18 must be certified accredited by the Secretary of State through the Department of Driver Services (hereinafter referred to as the Department) before such instruction can be offered or advertised.

1) No school shall be certified before it is properly licensed to do business in the State of Illinois by the Secretary of State as provided in Section 6-401 et seq. of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-401 et seq.).

2) No school may remain certified if its license to do business in Illinois is suspended, revoked or not renewed.

3) Upon receipt of proper application for certification accreditation, the Secretary of State will investigate the school and verify the application. A Secretary of State employee shall contact the school and make an appointment to visit the school's facilities. At the time of the visit, the Secretary of State

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employee shall verify that the school meets the standards set forth for commercial driving schools in Section 6-401 et seq. of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-401 et seq.). In addition, the school shall meet the standards for commercial driver school teen certification accreditation that are set forth in Sections 1060.240(b) through (h) of this rule Part. These standards shall be furnished to the school by the Secretary of State before the visit if the school requests them. If all qualifications and standards are met, the school shall be certified to offer instruction to students under the age of 18.

42) The certification accreditation of each school is renewable on January 1 of each year provided all qualifications and standards are met and provided the school has been in compliance with all rules.

5) No school may remain certified if properly qualified personnel are not available or if other changes occur which would reduce its qualifications. Exception: in the event of fire, flood or other catastrophe the school may temporarily continue to operate with facilities which are not up to standards only for the duration of courses which have already been started if the Director of the Department consents for them to do so. A Secretary of State employee shall contact the school and make an appointment to inspect the facilities. The Secretary of State employee shall determine that no health or safety hazard exists in violation of any local, state or federal ordinance before the Director of the Department shall give his/her consent. No new course can be started until facilities and equipment meet minimum requirements.

63) Only qualified teaching personnel may teach persons under age 18. Exception: In the event of any emergency situation wherein the only available teacher terminates his or her employment, or must take a leave of absence, while a course remains uncompleted, other licensed instructors may take over and complete the course. No new courses may be started before properly qualified teaching personnel are again available. In all such cases the Department must give prior approval. Approval shall not be given until the Department has checked the roster of instructors at the school and determined that no other teacher licensed by the Secretary of State to teach students under 18 is available at the school.

b) Required Facilities -- All certified teen accredited driver training schools must provide all classroom and vehicle facilities and equipment as prescribed in the driving school laws and regulations as administered by the Secretary of State. Those who desire to provide

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instruction for persons under the age of 18 must provide in each classroom, the following additional facilities and equipment, comply with Section 1060.80 of this Part. Schools in operation at the time that this Part becomes effective may continue to use their present classroom facilities as long as they continue to occupy them.

1) Required Physical Facilities

A) A classroom with a minimum of 300 square feet of floor space.

B) A minimum of two fire extinguishers.

C) Schools in operation at the time that this Part becomes effective may continue to use their present classroom facilities as long as they continue to occupy them.

2) Required Instructional Facilities Course of Instruction

A) Two (2) copies of an outline covering the topics to be taught in the classroom phase of instruction, and two (2) copies of an outline of the behind-the-wheel phase of instruction constructed along the lines of the recommended "Illinois Driver Education Curriculum." Said outlines must meet the approval of the Director of the Department.

i) Certified Accredited teen driver training schools must follow the approved classroom and in-ear behind-the-wheel course outlines that are submitted to the Director of the Department at the time of application for certification. The Department shall determine compliance with this provision by unannounced inspections of teen classes and records. At least one such inspection shall take place every two (2) months.

ii) If such classroom or in-ear behind-the-wheel outlines are substantially changed, revised outlines must be submitted in duplicate to the Director of the Department for approval. A letter shall be sent to the driver training school informing them if their classroom or in-ear behind-the-wheel outline has been approved.

B) Instructional materials shall be available and shall include one of the following: a 16 mm sound projector and screen, video equipment with films processed on video tape, a film strip or slide projector and films which correspond with the outline described in subsection (A) paragraph (b)(2)(A) of this Section.

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- C) A professional library containing an assortment of reference and textbooks, pamphlets and other publications which is available for the use of students and teachers.

c) Teacher Qualifications

- 1) Classroom Teacher Qualifications - Each teen accredited driver training school must have at least one classroom instructor employed who meets the standards of Section 6-411 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-411), pertaining to classroom instructors who teach approved driver education courses to students under 18 years of age.

A) The instructor must hold a valid Illinois driver's license.

A) A classroom driver training instructor teaching the teen accredited program must comply with Sections 1060.150, 1060.160 and 1060.260 of this Part.

- B) The instructor must possess good physical and mental health. An application/physical exam form will be provided by the Secretary of State which must be completed by the instructor and a physician.

C) The instructor must be licensed by the Secretary of State in accordance with Section 6-401 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-401).

DC) The instructor must qualify under one of the following requirements:

- i) Be a certified teacher meeting the requirements of 23 Ill. Adm. Code 252.40(b)(3). (Minor - 16 semester hours).
- ii) Hold a baccalaureate degree, have one (1) year of teaching experience in primary, secondary or higher education and complete a 48 hour course approved by the Director of the Department.
- iii) Complete the 48 hour course or an equivalent college or university course approved by the Director of the Department, and have one (1) year of experience teaching behind-the-wheel to adults.

- 2) In-Car Vehicle Behind-the-wheel Teacher Qualifications - In-car vehicle Behind-the-wheel teachers of driving shall be those who have passed an objective typewritten examination based upon current textbooks and the Motor Vehicle Code; a practical test

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regarding their ability to drive and to instruct others; and investigation of their moral character and driving record as required in Section 6-411(a)-~~thru~~ through (f) of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 6-411(a)-~~thru~~ through (f)) and supplementary regulations.

A) The instructor must hold a valid Illinois driver's license.

A) A driver training instructor teaching the teen accredited behind-the-wheel program must comply with Sections 1060.150 and 1060.160 of this Part.

- B) The instructor must possess good physical and mental health. An application/physical exam form will be provided by the Secretary of State which must be completed by the instructor and a physician.

C) The instructor must be licensed by the Secretary of State in accordance with Section 6-401 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-401).

DC) The instructor must qualify under one of the following requirements:

- i) Be a certified teacher meeting the requirements of 23 Ill. Adm. Code 252.40(b)(3).
- ii) Hold a baccalaureate degree and have one (1) year of experience in teaching behind-the-wheel to adults.
- iii) Have seven (7) years of uninterrupted teaching experience in a commercial driver training school.
- iv) Be licensed by the Secretary of State, complete the 48 hour course or an equivalent college or university course approved by the Director of Driver Services, and have one (1) year of experience teaching behind-the-wheel to adults.

- 3) Classroom and/or behind-the-wheel driver education teachers are to be assigned not more than eight (8) clock hours of instructional work daily.

d) Classroom Instruction - for persons under age 18 years

- 1) Classroom instruction shall include not less than 30 class hours. Instructional periods are to be no longer than two (2) hours daily with meetings distributed regularly throughout the

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minimum of four complete weeks. The maximum number of students cannot exceed 30 per class for classroom instruction unless the size of the classroom exceeds 350 square feet, then a maximum of 35 students shall be allowed.

2) Classroom instruction shall include subject matter relating to the rules of the road, safe driving practices, pedestrian safety, driver responsibility, theory of driving, defensive driving techniques, behavioral characteristics of drivers, auto insurance and financial responsibility, development of perception for driving, emergency situation procedures, the use of automobile safety devices, and the effects of alcohol and/or other drugs on driving.

3) Each classroom course must have a definite starting date and completion date. Late registrations shall not be accepted beyond the third day of the course, at which time the course must be closed to further enrollments.

4) Late registrants and absentees shall be given make-up instruction and assignments. No school shall permit the student to be absent from more than four (4) class sessions without requiring the student to re-enroll in a later course and to start over.

5) The teaching facilities must provide comfortable seating for at least twelve (12) students. Lighting must be adequate and the maintenance (housekeeping) of the room orderly.

6) A textbook on driver education must be in the possession of each student for the duration of the course, to be used as a regular part of the course content, and consistent with the recommended course outline.

7) Audio-visual materials shall be used as a supplement to the teacher's presentation but not as a replacement. Reference materials are to be available to the students and their use assured by assignments. All assignments are to be made in advance of due dates and should include outside reading as well as preparation for testing.

8) A regular schedule of classroom testing shall be followed. Student progress in acquaintance with information, data, and knowledge is to be periodically evaluated. Criteria for passing or failing the course must be evident to the students and successful completion clearly defined.

9) Each student shall be informed prior to the time instruction begins of the character and amount of any and all fees or charges made for enrollments or registration, tuition, use of equipment,

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text and reference materials, supplies, and any service, equipment, or materials provided by the commercial driving school.

10) Instruction for each student in the class shall begin on the date and location designated by advertisement and continue throughout the designated period unless the course is cancelled and the student is refunded any fees already paid.

11) A listing of students enrolled in the classroom shall be sent to the Department of Driver Services Blue Slip Unit within three (3) days of the date classroom instruction begins on forms provided by the Secretary of State. A certificate will not be issued to anyone whose name has not been submitted on this form signed by an authorized official of the school.

e) Laboratory Instruction - for persons under age 18 years

1) Laboratory instruction shall not begin until such time as the student is enrolled in a classroom program of driver education and possesses the basic information required for safe operation of a vehicle in traffic. At least four (4) hours of classroom instruction must be given before in-ear behind-the-wheel lessons are started.

2) Each student must have in his or her possession a valid instructional permit issued by the Secretary of State when engaged in vehicle operation. Practice driving may begin on the temporary instructional permit.

2) Each student must have in his or her possession when engaged in vehicle operation a valid instruction permit issued by the Secretary of State.

3) Not less than two nor more than four students are to occupy the car with an instructor when instruction is in progress. Student driving experiences shall be for periods of not more than ninety (90) minutes for each student per session. The accumulation of six (6) hours of practice driving shall be distributed regularly throughout a minimum of two complete weeks. Although observation time in the car may not be counted as practice driving, a minimum of six (6) hours is required. The only exception shall be when a parent requests that observers be excluded because the student is disturbed by having an observer in the car.

4) Each student shall receive a minimum of six (6) full hours of behind-the-wheel instruction. There can be no allowance for any absences without actual make-up time spent behind-the-wheel.

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Satisfactory completion denotes that each student has the competencies to be certified by the school for issuance of a certificate.

- 5) Lesson time or practice driving time may not be used to call for, deliver or dismiss other students to their homes or pick-up points.
- 6) Practice driving instruction shall include actual experience in starting, stopping, shifting, turning, backing, parking, steering, and emergency situation procedure in a vehicle equipped according to Section 6-410 of the Illinois Vehicle Code. (Ill. Rev. Stat. 1985, ch. 95 1/2, par. 6-410.)
- f) Records
 - 1) Records shall be maintained by schools which substantiate daily attendance, lesson time, and periodic evaluation of each student. Also recorded shall be the beginning and ending dates of classroom as well as laboratory instruction. Students are to be identified by their social security numbers as well as by name, address and other personal information. Such records are to be on file in the office of the management for a period of three (3) years.

- 2) A Secretary of State form shall be used for submitting the names of those students who have satisfactorily fulfilled the requirements of the complete course in driver education and who qualify for a certificate. The form shall be signed by an authorized official of the school.

- g) Suspension, revocation, cancellation and denial of commercial driver training schools and/or driving instructor teen certification.

- 1) The Secretary of State may suspend or revoke the certification of any driver training school or driver training instructor.

- A) If the school or instructor fails to comply with the provisions of this Part.

- B) Upon evidence of a condition of health or safety detrimental to the welfare of pupils, incompetency, or fraud.

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- 2) The Secretary of State shall cancel the certification of any driver training school or driver training instructor if the certification is improperly or erroneously issued.

- 3) The Secretary of State shall deny any application for certification if the applicant does not qualify under the provisions of this Part.

h) Hearings

Prior to any suspension, revocation, cancellation, or denial of the issuance of the certificate for any person or school the Department shall notify such person or school manager in writing, and upon receiving written request shall afford such person or school manager a hearing in accordance with 92 Ill. Adm. Code 1001(a) and Section 2-118 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-118).

(Source: Amended at 14 Ill. Reg. _____, effective _____).

Section 1060.250 Denial, Cancellation, Suspension, and Revocation of Commercial Driver Training School's License and Instructor's License

- a) For purposes of this Section, the following definitions shall apply:

"Branch Facility" - a separate facility which is a part of the Commercial Driving School although at a different location than the main office and classroom of the school which meets the requirements of Sections 1060.80 and 1060.70, and 1060.60 of the Part.

"Cancellation" - the annulment or termination by formal action of the Secretary of driver training school's license or driver training school instructor's license because of some error or defect in the license or because the licensee is no longer entitled to such license, but the cancellation of a license is without prejudice and application for a new license may be made any time after such cancellation as provided for a driver's license in Section 1-110 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-110).

"Fraud" - willful misrepresentation regarding a school, an instructor, or the results of completing the course.

"Physical Facilities" - the building and items which constitute part of the building, including the telephone and the furniture.

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"Revocation" - the termination by formal action of the Secretary of a commercial driver training school's license or a commercial driver training school instructor's license, which termination shall be subject to renewal or restoration identical to the provisions for revocation of a driver's license as provided in Section 1-176 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-176).

"Sex and Drug Related Offenses" - the offenses of criminal sexual assault (Section 12-13 of the Criminal Code of 1961 (Ill. Rev. Stat. 1987, ch. 38, par. 12-13)), aggravated criminal sexual assault (Section 12-14 of the Criminal Code of 1961 (Ill. Rev. Stat. 1987, ch. 38, par. 12-14)), criminal sexual abuse (Section 12-15 of the Criminal Code of 1961 (Ill. Rev. Stat. 1987, ch. 38, par. 12-15)), aggravated criminal sexual abuse (Section 12-16 of the Criminal Code of 1961 (Ill. Rev. Stat. 1987, ch. 38, par. 12-16)), juvenile pimping (Section 11-19.1 of the Criminal Code of 1961 (Ill. Rev. Stat. 1987, ch. 38, par. 11-19.1)), soliciting for a juvenile prostitute (Section 11-15.1 of the Criminal Code of 1961 (Ill. Rev. Stat. 1987, ch. 38, par. 11-15.1)), unauthorized manufacture or delivery of a controlled substance which shall include counterfeit drugs (Section 1401 of the Illinois Controlled Substances Act (Ill. Rev. Stat. 1987, ch. 56 1/2, par. 1401)), sale, delivery or exchange of such instruments used for illegal drug use or abuse (Section 22-51 of the Criminal Code of 1961 (Ill. Rev. Stat. 1987, ch. 38, par. 22-51)), delivery of a controlled substance which shall include counterfeit and look-alike substances (Section 1407.1 of the Illinois Controlled Substances Act (Ill. Rev. Stat. 1987, ch. 56 1/2, par. 1407.1)), manufacture or delivery of cannabis (Section 705 of the Cannabis Control Act (Ill. Rev. Stat. 1987, ch. 56 1/2, par. 705)), delivery of cannabis (Section 707 of the Cannabis Control Act (Ill. Rev. Stat. 1987, ch. 56 1/2, par. 707)), and production of the cannabis plant (Section 708 of the Cannabis Control Act (Ill. Rev. Stat. 1987, ch. 56 1/2, par. 708)).

"Suspension" - the procedures for temporary withdrawal of a commercial driver training school's license or commercial driver training school instructor's license identical to the provisions for the suspension of a driver's license as provided in Section 1-204 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-204).

"Teenage Pupils" - a student who is at least fifteen (15) years of age but not yet eighteen (18) years of age.

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ba) An application for a commercial driver training school license or renewal shall be denied. The Secretary of State shall deny a Driver Training School License:

- 1) To any person not of good moral character as provided in 6-402(a) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-402(a));
- 2) To any person who is not at least 21 years of age as provided in Section 6-402(b) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-402(b));
- 3) To any person who lacks a minimum of a high school education or the equivalent as provided in 6-402(c) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-402(c));
- 4) To any school which fails to meet these vehicle standards:
 - A) At least one vehicle owned or leased by the school as provided in Section 1060.140(d)(4) of this Part;
 - B) Proper bodily injury and property damage liability insurance as provided in Section 6-402(e) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-402(e)) and Section 1060.20 of the Part;
 - C) Proper surety bond as provided in 6-402(f) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-402(f));
 - D) Vehicle fails to pass Illinois Department of Transportation Safety Inspection test as provided in Section 6-410 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-410) and Section 1060.140 of this Part;
 - E) Proper registration plates pursuant to Section 3-402 of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 3-402);
 - F) Dual brakes as provided in Section 6-410(b) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-410(b)) and Section 1060.140(d)(1) of this Part;

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- G) Mirrors on both sides of vehicle as provided in Section 1060.140(d)(3) of this Part;
- H) Adequate advertising sign as provided in 6-410(c) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-410(c)) and Section 1060.410 140(d)(7) of this Part;
- 5) To any person who submits a fraudulent application as provided in Section 6-420(3) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-420(3));
- 6) To any person who does not submit the proper fee pursuant to Section 6-402(i) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-402(i));
- 7) To any person who owned another school for which the license is currently revoked;
- 8) To any person who has their license revoked while serving as an instructor with another school;
- 9) To any person who is currently the owner of another Commercial Driver Training School pursuant to Section 1060.20 of this Part;
- 10) To any person who is operating an unlicensed School pursuant to Section 6-401 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 401) and Section 1060.10 of this Part;
- 11) To any person who is currently employed by the Secretary of State pursuant to Section 1060.20 of this Part;
- 12) To any person who owes any outstanding fees to the Secretary of State as provided in Section 6-201(3) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-201(3));
- 13) To any person who submits a name that is not distinguishable from that of another driving school upon the records in the Office of the Secretary of State as provided under Section 4.05 of the Business Corporation Act of 1983, (Ill. Rev. Stat. 1987, ch. 32, par. 4.05(a)(3));
- 14) To any School that lacks a licensed Instructor pursuant to Section 1060.20(a)(2) of the Part;

- 15) To any School that fails to meet location standards in one or more of the following ways:
 - A) Office is not owned or leased by school applicant pursuant to Section 6-403 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-403);
 - B) Location is not primarily to be used for driving school pursuant to Section 6-403 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-403); used to conduct any business that is not reasonably related to driver training;
 - C) Location is not zoned for business pursuant to Section 6-404 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-404);
 - D) Location is not in permanent commercial site as provided in Section 6-405 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-405);
 - E) Insufficient space for classroom and/or office pursuant to Section 6-406(d) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-406(d));
 - F) Inadequate lighting, heating, and ventilation pursuant to Section 6-406(c) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-406(c));
 - G) Fails to comply with public health, safety, and sanitation standards per State and local laws pursuant to Section 6-406(c) of the Illinois Driver Licensing Law of the Illinois Vehicle Code;
 - H) Fails to have a telephone that registers to the School pursuant to Section 6-402(h) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-402(h));
 - I) Fails to have a permanent sign meeting standards pursuant to Section 6-404 of the Illinois Driver Licensing Law of the Illinois Vehicle Code;
 - J) Fails to have business hours posted in a prominent location pursuant to Section 1060.70 of this Part;

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K) Classroom is not within the same premises as the main office facility as provided in Section 1060.80(b)(3) of this Part;

L) Location is within 1500 feet of a Secretary of State facility or station pursuant to Section 6-407 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-407_);

M) Classroom facility does not contain the following:

i) Seating facilities and writing surfaces for not less than 12 students pursuant to Section 1060.80 (a)(1) of this Part;

ii) Charts, and diagrams, traffic signs, or pictures relating to the operation of motor vehicles and traffic laws pursuant to Section 1060.80(a)(2) of this Part;

iii) Blackboards which are visible from all seating areas pursuant to Section 1060.80(a)(3) of this Part;

iv) Textbooks, reference books and pamphlets relating to the proper operation of motor vehicles and traffic laws pursuant to Section 1060.80(a)(4) of this Part;

v) Two fire extinguishers in operable condition pursuant to Section 1060.80(a)(5) of this Part;

N) Branch classroom does not meet the following criteria:

i) The branch classroom meets all the requirements of the main classroom facility as provided in Section 1060.80(b)(1) of this Part;

ii) The branch classroom is not more than fifty (50) miles from the main office or five (5) miles from a branch office operated by the driver training school pursuant to Section 1060.80(b)(2) of this Part;

iii) Each main classroom or branch classroom shall have a minimum of 300 square feet of classroom space and the main classroom shall be within the same premises as the main office facility pursuant to Section 1060.80(b)(3) of this Part;

16) To any school which fails to comply with the rules of the Capital Development Board entitled "Illinois Accessibility Code". (71 Ill. Adm. Code 400_).

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eb) The Secretary of State shall deny a driver training instructor's license:

1) To any person who has not held a valid driver's license for any period of time within two (2) consecutive years immediately preceding the date of application for an instructor's license. The following shall not interrupt the running of the two (2) consecutive year requirement: a lapse in renewal of the driver's license of less than thirty (30) days, a lapse due to a suspension for an auto emissions violation, failure to appear, a warrant parking/traffic violation, a safety responsibility violation, a financial responsibility violation, or an unsatisfied judgment as provided in Section 1060.150(a)(1) of this Part;

2) To any person who has been convicted of more than two (2) offenses against traffic regulations governing the movement of traffic within the two (2) year period immediately preceding the date of application for an instructor's license as provided in Section 1060.150(a)(2) of this Part;

3) To any person who has had more than one (1) conviction arising from an auto accident within the two (2) year period immediately preceding the date of application for instructor's license as provided in Section 1060.150(a)(3) of this Part;

4) To any person who has been convicted of driving under the influence of alcohol and/or drugs, pursuant to Section 11-501 of the Illinois Rules of the Road of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 11-501), leaving the scene of a fatal accident pursuant to Section 11-401 of the Illinois Rules of the Road of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 11-401), reckless homicide, pursuant to Section 9-3 of the Criminal Code of 1961 (Ill. Rev. Stat. 1987, ch. 38, par. 9-3) or reckless driving, pursuant to Section 11-503 of the Illinois Rules of the Road of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 11-503), within 5 years prior to date of application as provided in Section 6-420 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-420) and Section 1060.150(a)(4) of this Part;

5) To any person who has failed to pass the written or road test required by the Secretary of State for applicants for a driver training instructor's license as provided by Section 6-411(c) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-411(c)) and Section 1060.150(a)(5) of this Part;

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- 6) To any person who is physically unable to safely operate a motor vehicle or to safely instruct or train others in the operation of a motor vehicle as provided in Section 6-411(d) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 411(d)) and Section 1060.150(6) of this Part;
- 7) To any person who fails to properly make application for such license or otherwise indicates that he is unqualified to receive a driver training instructor's license as provided in Section 1060.150(a)(7) of this Part;
- 8) To any person who is not employed or associated with a driver training school licensed by the Secretary of State as provided in Section 1060.150(a)(8) of this Part;
- 9) To any person who is currently a salaried employee of the Secretary of State as provided in Section 1060.150(a)(9) of this Part;
- 10) To any person who fails to supply a complete set of his fingerprints to the Secretary of State as provided by Section 6-411(b) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-411(b)) and Section 1060.150(a)(10) of this Part;
- 11) To any person who is not at least 21 years of age and a resident of the State of Illinois as provided in Section 1060.150(a)(11) of this Part;
- 12) To any person who has failed to comply with Section 1060.150(d)(6) of this Part pursuant to Section 6-411(d) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat., 1987, ch. 95 1/2, par. 6-411(d));
- 13) To any person of poor moral character as provided in Section 6-411(a) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-411(a));
- 14) To any person who lacks a minimum of a high school education or equivalent as provided in Section 6-411(f) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-411(f));
- 15) To any person who has submitted a perjured application as provided in Section 6-420(3) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-420(3));

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- 16) To any person who fails to submit a proper fee as provided in Section 6-411(g) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-411(g));
 - 17) To any person who is employed by or owns another driving school pursuant to Section 1060.20 of this Part and Section 6-417 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-417);
 - 18) To any person whose Commercial Driver Training Instructor's License is currently revoked as provided in Section 6-420(1) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-420(1));
 - 19) To any person whose school license is currently revoked;
 - 20) To any person who has had his privilege to obtain a license suspended in violation of Section 1060.10 of this Part; and
 - 21) To any person who owes any outstanding fees to the Secretary of State pursuant to Section 6-201(3) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-201(3));
 - 22) To any person whose suspension under Section 11-501.1 of the Illinois Vehicle Code has terminated within 5 years prior to date of application. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 11-501.1.)
- ed) A commercial driver training school license and instructor's license shall be cancelled, suspended, or revoked depending on the severity of the infraction if the school or instructor violates the regulations and laws governing commercial driver training schools as found in Section 1060.250 (ec) through (s) and Section 6-401 et seq. of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-401 et seq.)
- ed) A school licensee shall be given a written warning and ten business (10) days to correct the following violations or have its license cancelled:
- 1) a violation of any requirements in Sections 1060.50, 1060.60, 1060.70, and 1060.80 and Sections 6-403, 6-404, 6-405, 6-406, and 6-407 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-403, 6-404, 6-405, 6-406, and 6-407) relating to the physical facilities of the school;

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- 2) improper record keeping in violation of Section 6-408 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-408.);
- 3) failure to produce records upon demand by an employee of the Commercial Driver Training School Section;
- 4) failure of school to own or lease a vehicle;
- 5) failure of a vehicle used for instruction to have a safety inspection certificate sticker;
- 6) failure to pay the fees required by Section 6-402(i) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-402(i)).

fe) If a school certified to teach teens pursuant to Section 1060.240 of this Part fails to keep teenage records as required in Section 1060.240(f), the school shall lose their teen certification as found in Section 1060.240(g) but not their school license. If the school is given three (3) written warnings within twelve (12) months about improper recordkeeping on teenage students, the school's teen certification shall be suspended.

gf) The instructor shall also be given a warning and ten (10) days to correct the following violations or have his/her license cancelled:

- 1) improper record keeping in violation of Section 6-418 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-418.);
- 2) failure to keep records on teen pupils; or
- 3) failure to produce records upon demand by an employee of the Commercial Driver Training School Section.

h) A commercial driver training school's license shall be cancelled upon discovery of the following violations:

- i) failure of the school to have insurance as required by Section 6-402(e) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-402(e)) or
- 2) failure of the school to post the required bond as required by Section 6-402(f) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-402(f)).

g) A commercial driver training school's license shall be cancelled upon discovery of the school's failure to post bond as required by Section 6-402(f) of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-402(f).)

h) A commercial driver training school's license shall be immediately cancelled for failure to have insurance as required by Section 6-402(e) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-402(e))., if the school cannot provide the Department with proof of insurance within seven (7) days of the notice of cancellation.

i) An instructor's license shall be cancelled upon notification to the Commercial Driver Training Section that the instructor is no longer employed by the school or no longer has a valid driver's license.

j) If a branch license is cancelled because the branch facility does not meet the standards found in Section 1060.80(b) of this Part, the school's license shall not be cancelled but the branch shall remain closed until the branch facility comes into compliance.

k) In order to be eligible to be reinstated following cancellation, the school or instructor shall reapply for a license, pay the required application fee of \$100.00 for a school as required by 6-402(i) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-402(i)) and \$10.00 for an instructor as required by Section 6-411(g) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2 par. 6-411(g)); and demonstrate compliance with the provisions of this Part for which the cancellation was issued (e.g. proof of insurance). No reinstatement fee shall be required upon reapplication for teen certification.

l) A commercial driver training school's license shall be suspended after being given a warning about not being opened during posted hours and another such incident occurs within ten (10) days. If a school is given three (3) written warnings during any twelve (12) month period for any violation of this Part or of Section 6-401 et seq. of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-401 et seq.), the school's license shall also be suspended. The length of the suspension shall be two weeks for the first offense, one month for the second offense, and three months for the third offense.

m) An instructor's license shall be suspended after being given a written warning about giving students more than three (3) hours of behind-the-wheel instruction within a twenty-four (24) hour period, pursuant to Section 1060.100(h) of the Part, if another such incident occurs within ten (10) days. If an instructor is given three (3) written warnings during any twelve (12) month period for any violation

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of this Part or of Section 6-401 et seq. of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-401 et seq.), his/her license shall be suspended. The length of the suspension shall be two weeks for the first offense, one month for the second offense, and three months for the third offense.

n) A school and/or instructor's license shall be suspended immediately if it is discovered they are teaching students behind-the-wheel who do not have instruction permits or they are teaching a student in a vehicle not owned by the school. The length of the suspension for these offenses shall be three (3) months. The second incident within two (2) years shall result in a six (6) month suspension and the third incident shall result in revocation.

o) The length of a suspension for the first incident of fraud shall be three (3) months for an instructor or school. If the instructor or school engages in a second fraudulent activity within two (2) years, the instructor's license and/or school's license shall be revoked.

p) The instructor or school who wishes to have a license reinstated following suspension shall reapply and pay the application fee of \$100.00 for schools as required by 6-402(i) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-402(i)) and \$10.00 for instructors as required by 6-411(g) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-411(g)).

q) A commercial driver training school license shall be revoked if the school is given four (4) or more written warnings within a twelve (12) month period for any type of violation of this Part or Section 6-401 et seq. of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-401 et seq.).

r) An instructor's license shall be revoked:

1) if he/she is convicted of the following:

A) A violation of Section 11-501 of the Illinois Rules of the Road (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 11-501) relating to driving under the influence of drugs and/or alcohol;

B) A violation of Section 11-503 of the Illinois Rules of the Road of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 11-503) relating to reckless driving;

C) A violation of Section 9-3 of the Criminal Code of 1961 (Ill. Rev. Stat. 1987, ch. 38, par. 9-3) relating to reckless homicide;

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D) A violation of Section 11-401 of the Illinois Rules of the Road of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 11-401) relating to leaving the scene of a fatal accident; or

E) any sex or drug related offense.

2) if he/she has been given four (4) or more written warnings within a twelve (12) month period for any type of violation of the provisions of this Part or he/she engages in a second fraudulent activity (as defined in Section 1060.250(a)) within twelve (12) months.

3) if he/she has received a suspension of driving privileges under Section 11-501.1 of the Illinois Rules of the Road of the Illinois Vehicle Code, which has terminated within the last 5 years. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 11-501.1.)

s) A revocation shall be for an indefinite time period. After one (1) year, the school or instructor may apply for reinstatement by requesting a formal administrative hearing as found in 92 Ill. Adm. Code 1001, Subpart A.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 1060.260 Commercial Driver's License and/or Endorsement and/or Restriction Accreditation

a) Accreditation of the Program - Each commercial driver training school which desires to offer instruction to those individuals who wish to obtain a CDL and/or endorsement and/or restriction must be accredited by the Secretary of State through the Department of Driver Services before such instruction can be offered or advertised.

1) Upon receipt of proper application for accreditation, the Secretary of State shall investigate the program and verify the information contained in the application. A Secretary of State employee shall contact the applicant and make an appointment to inspect the school's facilities. At the time of inspection, the Secretary of State employee shall verify that the school meets the standards for CDL accreditation set forth in Sections 1060.260(b) through (f) of this Part in addition to all other applicable Sections within this Part. These standards shall be furnished to the school by the Secretary of State before the visit if the school requests them. If all qualifications and standards are met, the school shall be accredited to offer instruction on how to operate a vehicle with CDL and/or endorsement and/or restriction classification.

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- 2) The CDL and/or endorsement and/or restriction accreditation is renewable on January 1 of each year, provided the school is in compliance with all Rules.
- 3) Only qualified teaching personnel who already possess a CDL and/or endorsement and/or restriction classification (or the equivalent classification until April 1, 1992) may teach the drive portion of instruction.

b) Required facilities - All CDL and/or endorsement and/or restriction accredited schools must provide all classroom and vehicle facilities and equipment as prescribed in the driving school laws and rules and regulations, as administered by the Secretary of State. Those who desire to provide instruction to person(s) who wish to obtain a CDL and/or endorsement and/or restriction classified license must additionally provide a vehicle training area, owned or leased by the school, with sufficient space to properly accommodate the number of vehicles the school has in operation and appropriate off-street maneuvers. Schools in operation at the time that this rule becomes effective may continue to use their present classroom facilities as long as they continue to occupy them.

1) Required course of instruction:

A) Two copies of an outline covering the topics to be taught in the classroom phase of instruction, and two (2) copies of an outline of the behind-the-wheel phase of instruction constructed along the lines of the authorized CDL training curricula. Said outlines must meet the approval of the Director of the Department.

1) Driving schools must follow the approved CDL classroom and behind-the-wheel course outlines that are submitted to the Director of the Department at the time of application for accreditation. The Department shall determine compliance with this provision by unannounced inspections of classes and student records. At least one inspection shall take place each month.

2) If such classroom or behind-the-wheel outlines are substantially changed, revised outlines must be submitted in duplicate to the Director of the Department for approval. A letter shall be sent to the driver training school informing them if their CDL classroom or behind-the-wheel outline has been approved.

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B) Instructional materials shall be available and shall include at least one of the following: a 16 mm sound projector and screen, video equipment with films processed on video tape, a film or films which correspond with the outline described in Section 1060.200(b)(2)(A) of this Part.

C) A professional library containing an assortment of reference and textbooks, pamphlets, and other publications including but not limited to the CDL study guide, which are available for the use of students and teachers.

D) A brush-up course of instruction may be offered to individuals who currently hold or have held a CDL and/or endorsement and/or restriction license. This course may be offered on an hourly basis, but need not correspond to outlines required in Section 1060.260(b)(2)(a) of this Part. No brush-up course may be offered to any individual who has never held a CDL and/or endorsement and/or restriction classified license.

E) Classroom instruction - CDL and/or endorsement and/or restriction classification instruction.

1) Each classroom course must have a definite starting date and completion date.

2) Classroom instruction shall include subject matter relating to the rules of the road, safe driving practices, pedestrian safety, defensive driving techniques, behavioral characteristics of drivers, federal regulations relating to the Department of Transportation and CDL standards, vehicle insurance, the use of safety devices, and the effects of alcohol and drugs on driving.

3) A manual on driver education must be in the possession of each student for the duration of the course, to be used as a regular part of the course content, and consistent with the approved course outline.

4) Audio-visual materials shall be used as a supplement to the teachers presentation, but not as a replacement. Reference materials are to be available to the students and their use assured by assignments. All assignments are to be made in advance of due dates and should include outside reading as well as preparation for testing.

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- 5) A regular schedule of classroom testing shall be followed. Student progress is to be periodically evaluated. Criteria for passing or failing the course shall be evident to the student, and successful completion clearly defined.
- 6) Each student shall be informed, prior to the time instruction begins, of the amount of any and all fees or charges made for enrollment or registration, tuition, use of equipment, or materials provided by the CDL and/or endorsement and/or restriction accredited driver training program.
- 7) Instruction of each student in the class shall begin on the date and location designated by advertisement and continue throughout the designated period, unless the course is cancelled and the student is refunded any fees already paid.

F) Laboratory Instruction - For persons taking instruction for CDL and/or endorsement and/or restriction classification.

- 1) Behind-the-wheel instruction shall not begin until such time as the student is enrolled in a classroom program of CDL and/or endorsement and/or restriction classification driver training and possesses the basic information required for safe operation of a vehicle in traffic.
- 2) Each student must have in his/her possession when engaged in vehicle operation a valid and properly classified instruction permit issued by the Secretary of State, unless previously licensed in a classification representative of the vehicle he/she intends to drive.
- 3) Practice driving instruction shall include but not be limited to pre-trip inspection, actual experience in starting, stopping, shifting, turning, backing, docking, parking, steering, and emergency situation procedures.

G) Classroom teacher qualifications - Each CDL and/or endorsement and/or restriction accredited driver training school must have at least one classroom instructor employed by the school, who meets the standards of Chapter 95 1/2, Section 6-411 of the Illinois Vehicle Code. (Ill. Rev. Stat., 1987, ch. 95 1/2, par. 6-411.)

1) Required classroom teacher qualifications:

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- A) A driver training instructor teaching the classroom portion of a CDL and/or endorsement and/or restriction accredited course must comply with Sections 1060.150 and 1060.160 of this Part.
- B) The instructor must possess good physical and mental health. An application/physical examination form shall be provided by the Secretary of State which shall be completed by the instructor and physician.
- C) A classroom instructor must pass an objective type instructor written examination based upon current textbooks, the Illinois Vehicle Code, commercial school rules and regulations, and the Commercial Motor Vehicle Safety Act of 1986.

d) CDL and/or endorsement and/or restriction behind-the-wheel teacher qualifications - Each CDL and/or endorsement and/or restriction accredited driver training school must have at least one behind-the-wheel instructor employed by the school, who meets the standards of Chapter 95 1/2, Section 6-411 of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-411.)

1) Required behind-the-wheel teacher qualifications:

- A) A driver training instructor teaching the behind-the-wheel portion of a CDL and/or endorsement and/or restriction accredited course must comply with the provisions of Sections 1060.150 and 1060.160 of this Part and be licensed in a classification representative of the vehicle in which they intend to teach.
- B) The instructor must possess good physical and mental health. An application/physical examination form shall be provided by the Secretary of State which shall be completed by the instructor and a physician.
- C) The instructor shall give instruction only in the classification and/or endorsement and/or restriction in which he/she is licensed.
- D) A behind-the-wheel instructor must pass an objective type instructor written examination based upon current textbooks, the Illinois Vehicle Code, commercial school rules and regulations, and the Commercial Motor Vehicle Safety Act of 1986. In addition, a behind-the-wheel instructor must pass a practical test regarding his/her ability to drive a vehicle of CDL and/or endorsement and/or restriction classification.

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e) Student Instruction Records

- 1) Records shall be maintained by schools which document daily attendance, lesson time, and periodic evaluation of each student. Also recorded shall be the beginning and ending dates of the classroom as well as behind-the-wheel instruction. Students are to be identified by their social security numbers as well as by name, address, and other personal information. A driver license number also must be entered on the student record. Such records are to be on file in the office of the management for a period of three (3) years.
- 2) The driving school with a CDL and/or endorsement and/or restriction accreditation must meet all requirements of Section 1060.90 of this Part.
- f) Suspension, revocation, cancellation and denial of commercial driver training school and/or driving instructor CDL and/or endorsement and/or restriction accreditation.

- 1) The Secretary of State may suspend or revoke, cancel or deny the license and/or accreditation of any driver training school or driver training instructor:

A) If the school or instructor fails to comply with the provisions of this Part.

B) Upon evidence of incompetency, fraud, or a condition of health or safety detrimental to the welfare of pupils.

(Source: Added at 14 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) Section Numbers: 1030.94
Proposed Action: Amendment
- 4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-104(b)) and Section 6-100 et seq. of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-100 et seq.)
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking sets forth the procedure for obtaining a duplicated or corrected driver's license or instruction permit.
- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed rulemaking contain incorporations by reference? No, this amendment does not contain incorporations by reference.
- 9) Are there any other amendments pending on this part?

Section Number	Proposed Action	Illinois Register Citation
1030.30	Amendment	14 Ill. Reg. 179 (January 5, 1990)
1030.65	Amendment	13 Ill. Reg. 14019 (September 8, 1989)
1030.80	Amendment	14 Ill. Reg. 579 (January 12, 1990)
1030.91	New Section	13 Ill. Reg. 14344 (September 15, 1989)
1030.95	Amendment	13 Ill. Reg. 16297 (October 20, 1989)
- 10) Statement of Statewide Policy Objective: This rulemaking will have no effect on local units of government.
- 11) Time, place and Manner in which interested persons may comment on this proposed rulemaking: The Secretary of State will fully consider all comments received within 45 days of the date this notice is published. All comments must be in writing and should be sent to:

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Nancy Short
Assistant Counsel to the Secretary
2701 S. Dirksen Parkway
Springfield, IL 62723
217/782-5356

- 12) Initial Regulatory Flexibility Analysis: After careful consideration, the Secretary of State does not feel this proposed rulemaking will affect any types of small businesses and the proposed rule has not been submitted to the Small Business Office of the Department of Commerce and Community Affairs.

The full text of the proposed rule begins on the next page.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1030
ISSUANCE OF LICENSES

- Section
1030.10 What Persons Shall Not be Licensed or Granted Permits
1030.15 Cite for Re-Examination
1030.20 Classification of Drivers - Reference
1030.30 Classification Standards
1030.40 Fifth Wheel Equipped Trucks
1030.50 Bus Driver's Authority, Religious Organization
1030.55 Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60 Employer Certification Program
1030.63 Religious Exemption for Social Security Numbers
1030.65 Instruction Permits
1030.70 Driver's License Testing/Vision Screening
1030.75 Driver's License Testing/Vision Screening with Vision Aid Arrangements Other than Standard Eye Glasses or Contact Lens(es)
1030.80 Driver's License Testing/Written Test
1030.84 Vehicle Inspection
1030.85 Driver's License Testing/Road Test
1030.86 Multiple Attempts/Road Test
1030.88 Exemption of Facility Administered Road Test
1030.89 Temporary Licenses
1030.90 Requirement for Photograph and Signature of Licensee on Driver's License
1030.92 Restrictions
1030.93 Restricted Local Licenses
1030.94 Duplicate or Corrected Driver's License or Instruction Permit
1030.95 Diplomatic and Consular Licenses
1030.100 Anatomical Gift Donor
1030.110 Emergency Medical Information Card
1030.115 Change-of-Address
1030.120 Issuance of a Probationary License
1030.130 Grounds for Cancellation of a Probationary License
APPENDIX A: Questions Asked of a Driver's License Applicant
APPENDIX B: Acceptable Identification Documents

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 6-100 et seq.) and authorized by Section 2-104(b) of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-104(b)).

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill.

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Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. _____, effective _____.

Section 1030.94 Duplicate or Corrected Driver's License or Instruction Permit

- a) For the purposes of this Section, the following definitions shall apply:

"Department" - Department of Driver Services within the Office of the Secretary of State.

"Driver Services Facility" - offices located throughout Illinois for the purpose of issuing driver's licenses and providing to the public other necessary services connected with the Secretary of State's Office.

"Instruction Permit" - driving permit issued pursuant to Section 6-105 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-105).

- b) A duplicate driver's license or instruction permit shall be issued by the Department in cases where a driver's license or instruction permit has been lost, stolen, or mutilated.
- c) Upon an applicant's request or the Department's determination that an error was made, a corrected driver's license or instruction permit shall be issued by the Department if a change of information is necessary on a driver's license or instruction permit which is being surrendered. The license or permit shall indicate that it has been corrected by the word corrected as the type of license.
- d) When there is no driver's license or instruction permit to be surrendered to the Department, the license or permit issued shall be a duplicate. This shall be indicated on the license or permit, by the word duplicate as the type of license.

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- e) The applicant shall pay a fee in accordance with Section 6-118 of the Illinois Driver's Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-118) for either a duplicate or corrected driver's license or instruction permit. For a six (6) month period after the issuance of a driver's license or permit, there shall be no fee charged to correct an error made by personnel at the Driver Services facility which made a corrected license or permit necessary. There shall be no fee charged for a duplicate if the license or permit was lost by the Department. If a license or permit is lost by a state, local, or federal law enforcement agency or state or federal court there shall be no fee charged for a duplicate upon written notification from such agency or court. There shall be no fee charged for a duplicate license or permit issued to any person age 60 or older who presents the Department with a police report showing that his/her license was stolen. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-118(a).)

- f) In order to obtain a duplicate or corrected license or permit, an application form provided by the Department as described in Section 6-106(b) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-106(b)) shall be completed by a Driver Services facility employee. The applicant shall answer the first two questions on the application as listed in Appendix A of this Part and the appropriate fee shall be paid, if required. After the form has been completed and the fee paid if required, the applicant shall have his/her photograph taken if necessary as provided in Section 1030.90 which concludes the process.

(Source: Amended at 14 Ill. Reg. _____, effective _____.)

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NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Animal Diagnostic Laboratory Act
- 2) Code Citation: 8 Ill. Adm. Code 110
- 3) Section numbers: Adopted Action:
110.20 Amended
110.120 Amended
- 4) Statutory Authority: AN ACT authorizing the Department of Agriculture to establish animal disease laboratories (Ill. Rev. Stat. 1987, ch. 8, par. 105.11).
- 5) Effective Date of Amendments: January 19, 1990
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? None
- 8) Date Filed in Agency's Principal Office: January 12, 1990
- 9) Notices of Proposal Published in Illinois Register:
Oct. 13, 1989, 13 Ill. Reg. 15911
(issue date)
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: None.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were requested.
- 13) Will this amendment replace an emergency amendment currently in effect?
No
- 14) Are there any amendments pending on this Part? Yes
Section Numbers Proposed Action Illinois Register Citation
110.90 Amend 13 Ill. Reg. 16861; Nov. 3, 1989
110.110 Amend " " " " "
- 15) Summary and Purpose of Amendments:

The new address of the Galesburg laboratory is shown so persons submitting samples will submit them to the proper address.

Because the Department has received a number of requests for laboratory results to be faxed to veterinarians, we have added this service. Herd

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- owners need results of tests for exhibition or movement of the animal, and some times they do not allow sufficient time for test results to be returned by mail prior to movement. The charge for this service is set at the going rate that laboratories in surrounding states charge.
- 16) Information and questions regarding this adopted amendment shall be directed to:
Name: Donna Garman
Address: Division of Administrative Services, Illinois
Department of Agriculture, Agriculture Building, State
Fairgrounds, Springfield, Illinois 62794-9281
Telephone: (217) 785-0112
- The full text of Adopted Amendments begins on the next page:

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 110
ANIMAL DIAGNOSTIC LABORATORY ACT

Section	Definitions
110.10	Submitting Specimens
110.20	Payment For Laboratory Services
110.30	Tests Not Covered By Fee Schedule
110.40	Minimum Fees
110.50	Euthanasia Fees
110.60	Clinical Pathology Fees
110.70	Histopathology Fees
110.80	Microbiology Fees
110.90	Parasitology Fees
110.100	Toxicology Fees
110.110	Miscellaneous Fees
110.120	Meats Chemistry Fees
110.130	

AUTHORITY: Implementing and authorized by "AN ACT authorizing the Department of Agriculture to establish animal disease laboratories" (Ill. Rev. Stat. 1987, ch. 8., par. 105.11).

SOURCE: Adopted and codified at 8 Ill. Reg. 9047, effective July 1, 1984; amended at 9 Ill. Reg. 4471, effective March 22, 1985; amended at 9 Ill. Reg. 19638, effective January 1, 1986; amended at 10 Ill. 9733, effective May 21, 1986; amended at 11 Ill. Reg. 10163, effective May 15, 1987; amended at 12 Ill. Reg. 3379, effective January 25, 1988; amended at 13 Ill. Reg. 3617, effective April 15, 1989; amended at 14 Ill. Reg. 1907, effective January 19, 1990.

Section 110.20 Submitting Specimens

Specimens shall be sent or delivered to the laboratory designated as performing the test. Addresses of the laboratories are as follows:

- Animal Disease Laboratory, Shattuc Road, Centralia, Illinois 62801-9284.
- Animal Disease Laboratory, 2100 South Lake Storey Road 4855 Windish Drive, P.O. Box 2110X, Galesburg, Illinois 61402-2100.

- State-Federal Serology Laboratory, P.O. Box 2819, State Fairgrounds, Springfield, Illinois 62708-2819.
(Source: Amended at 14 Ill. Reg. 1907, effective January 19, 1990)

Section 110.120 Miscellaneous Fees

- Swine health checks at slaughter facilities:
Reproductive and serology for sows (1-5 head)..... 25.00
each additional animal..... 4.00
Market swine health check (12 head maximum)..... 50.00
(Contact the Galesburg laboratory for information)
- Water potability test (Coliform and Enterococcus--Millipore Method and Nitrates)..... 8.00 C
- Return of shipping container..... current postal rate C,G,S
- Field trip by Department laboratory personnel to take specimens..... 50.00 C, G
- Cremation..... 50.00 G
- Report of results by facsimile (FAX) (per page)..... \$5.00 C,G,S

(Source: Amended at 14 Ill. Reg. 1907, effective January 19, 1990)

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Bovine Brucellosis

2) Code Citation: 8 Ill. Adm. Code 75

3) Section numbers:	Adopted Action:
75.50	Amended
75.120	Amended
75.190	Amended
75.210	Amended

4) Statutory Authority: Illinois Bovine Brucellosis Eradication Act (Ill. Rev. Stat. 1987, ch. 8, pars. 134.12, 136, 136b, 137, 139, 139.4)

5) Effective Date of Amendments: January 19, 1990

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? None requiring JCAR approval under Section 6.02(b) of the Illinois Administrative Procedure Act.

8) Date Filed in Agency's Principal Office: January 12, 1990

9) Notices of Proposal Published in Illinois Register:

Oct. 13, 1989, 13 Ill. Reg. 15915
(issue date)

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version:

Main Source Note, capitalized only the first letter in the word "CAPITALIZATION" and placed the remainder of the letters and the other words in lower case.

Section 75.210, in lines 6 & 7, deleted the statutory citation and inserted in lieu thereof "(Section 1.12 of the Act)".

Withdrew the proposed amendments in Sections 75.50(a)(2), 75.90(b), 75.160(b), 75.180(c) and 75.200(b) which changed "24" to "20" months. Because of this change, Sections 75.90, 75.160, 75.180 and 75.200 are not included in the adopted rulemaking as the change that was withdrawn was the only amendment in those sections.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were requested.

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13) Will this amendment replace an emergency amendment currently in effect?
No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments:

In Section 75.50, the Department pays the federal indemnity for cattle destroyed when federal funds are not available and the State has indemnity funds available. The current U.S. Department of Agriculture rate for brucellosis indemnity on non-registered beef cattle is now \$50; hence, the change from \$150 to \$50.

In Section 75.120, the name and address of the national organization that approves the Brucellosis Eradication Uniform Methods and Rules has been added to comply with the Illinois Administrative Procedures Act.

In Section 75.190, the incidence of brucellosis from Class B states is being steadily reduced which makes the classification of Certified Brucellosis-free herds much more reliable. There are presently no Class C states. For these reasons, we are reducing the additional expense of retesting breeding cattle from certified Brucellosis-free herds.

In Section 75.120 and 75.210, updating the federal code cite and the Illinois law cite are intended to keep the cites up-to-date and will not add any additional compliance requirements.

16) Information and questions regarding this adopted amendment shall be directed to:

Name: Donna Garman
Address: Division of Administrative Services, Illinois
Department of Agriculture, Agriculture Building, State
Fairgrounds, Springfield, Illinois 62794-9281
Telephone: (217) 785-0112

The full text of Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
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SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 75
BOVINE BRUCELLOSIS

Section	Definitions
75.5	Incorporation by Reference
75.7	Official Classification of the Results of the
75.10	Brucellosis Blood Test
75.15	Permits to Conduct Official Brucellosis Tests
75.20	Reports Required
75.30	Tests Conducted at State Expense or for Interstate or Export Shipment
75.40	Tests Conducted at Owner's Expense for Intrastate Movement
75.50	Indemnity
75.60	Identification of Cattle
75.70	Herds Revealing Reactors
75.80	Sale of Suspects and Negative Animals From Quarantined Herds
75.90	Release of Herds or Cattle Under Quarantine
75.100	Herds Revealing Suspects Only
75.110	Identification Tags
75.120	Requirements for Establishing and Maintaining Certified Brucellosis-Free Herds of Cattle
75.130	Feeding or Grazing Cattle
75.140	Sale of Quarantined Feeding or Grazing Cattle
75.150	Cattle for Immediate Slaughter
75.160	Female Cattle--Beef Breeds--18 Months and Over
75.170	Release of Feeding or Grazing Cattle from Quarantine
75.180	Dairy or Breeding Cattle
75.190	Additional Requirements on Cattle from States Designated as Class B and Class C States
75.200	Slaughter Cattle from Class B or Class C States
75.210	Official Calhhood Vaccination
75.220	Recognition of Brucellosis State Status
TABLE A	Brucellosis Standard Plate Test of Officially Vaccinated Cattle and Bison
TABLE B	Brucellosis Standard Plate Test of Non-Vaccinated Cattle and Bison

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AUTHORITY: Implementing and authorized by the Illinois Bovine Brucellosis Eradication Act (Ill. Rev. Stat. 1987, ch. 8, par. 134 et seq.).

SOURCE: Regulations Relating to Bovine Brucellosis, filed January 17, 1972, effective January 27, 1972; amended, filed May 3, 1972, effective May 13, 1972; filed Dec. 6, 1972, effective Dec. 16, 1972; filed June 20, 1973, effective June 20, 1973; filed Dec. 14, 1973, effective Dec. 24, 1973; filed Aug. 19, 1975, effective Aug. 29, 1975; filed Mar. 12, 1976, effective March 22, 1976; filed June 21, 1976, effective July 1, 1976; filed Dec. 29, 1976, effective Jan. 8, 1977; amended at 2 Ill. Reg. 24, p. 55, effective June 15, 1978; amended at 3 Ill. Reg. 34, p. 96, effective Aug. 24, 1979; amended at 5 Ill. Reg. 720, effective January 2, 1981; codified at 5 Ill. Reg. 10453; amended at 7 Ill. Reg. 1737, effective January 2, 1983; amended at 7 Ill. Reg. 1733, effective February 2, 1983; amended at 8 Ill. Reg. 5891, effective April 23, 1984; amended at 9 Ill. Reg. 4483, effective March 22, 1985; amended at 9 Ill. Reg. 19647, effective January 1, 1986; amended at 10 Ill. Reg. 9741, effective May 21, 1986; amended at 11 Ill. Reg. 10169, effective May 15, 1987; amended at 12 Ill. Reg. 3386, effective January 22, 1988; amended at 13 Ill. Reg. 3636, effective March 13, 1989; amended at 14 Ill. Reg. 1911, effective January 19, 1990.

NOTE: Capitalization denotes statutory language. CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 75.50 Indemnity

- a) If State funds are available, indemnity will be paid to owners of dairy and breeding cattle which react to the official test for the detection of bovine brucellosis and are destroyed provided:
- 1) Tests are read at an approved laboratory.
 - 2) A report has been received from the veterinarian that the entire herd has been officially tested, except calves under 6 months of age and official vaccinates under 24 months of age.
 - 3) Indemnity forms are completed by an accredited veterinarian or a regularly employed State or Federal veterinarian and all the requirements of Sections 4 and 5 of the Act governing the payment of indemnity are observed.

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- b) Indemnity will not be paid for reactors disclosed on tests for release of feeder quarantine in accordance with Section 6.3 of the Act or where incomplete herd tests are conducted.
- c) When State funds are available for paying indemnity, the Department shall pay to the owner an indemnity at the rate specified in Section 4 of the Act for each female calf destroyed which was nursing a cow classified as a brucellosis reactor.

d) Depopulation--When a herd is found to be severely infected as evidenced by disclosure of one or more reactors on 2 or more herd tests, or by more than 10% of the herd being disclosed as reactors on a single herd test, or through bacteriological culture of Brucella abortus from milk or tissue samples from a reactor, the entire herd shall be depopulated; provided, the herd owner agrees to such depopulation and State and/or federal indemnity funds are available to pay for the depopulation.

1) When the complete herd depopulation procedure is followed, and when State and United States Department of Agriculture funds are available, the State shall pay to the owner of cattle destroyed an indemnity of \$50 for any nonregistered animal and \$100 for any registered purebred or crossbred animal.

2) If at any time the United States Department of Agriculture fails to provide indemnity for herd depopulation, the State of Illinois shall, if State funds are available, pay to the owner of cattle destroyed an additional indemnity of \$50 for any nonregistered beef animal and \$250 for any registered beef or dairy and nonregistered dairy animal. For the purpose of this Section, "dairy animal" means a female bovine over 20 months of age, which has calved or is within 90 days of parturition and which is a member of a dairy herd used to produce milk for commercial use.

(Source: Amended at 14 Ill. Reg. 1911, effective January 19, 1990)

Section 75.120 Requirements for Establishing and Maintaining Certified Brucellosis-Free Herds of Cattle

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Certified brucellosis-free herds shall be established and maintained in accordance with the Brucellosis Eradication Uniform Methods and Rules as approved by the United States Animal Health Association (P.O. Box 28176, Suite 205, 6924 Lakeside Avenue, Richmond, Virginia 23228-0176; July 1, 1986) and approved by the United States Department of Agriculture July 1, 1986 and/or 9 CFR 78.1(1989) (q) (1986).

(Source: Amended at 14 Ill. Reg. 1911, effective January 19, 1990)

Section 75.190 Additional Requirements on Cattle from States Designated as Class B and Class C States

a) In addition to other entry requirements, a prior permit must be obtained for dairy, feeding or breeding cattle, except those consigned direct to slaughter or calves under 6 months of age except as further provided for in this Section, entering Illinois from states designated by the U.S. Department of Agriculture as Class B and Class C under provisions of the Brucellosis Eradication Uniform Methods and Rules as recommended and approved by the United States Animal Health Association (P.O. Box 28176, Suite 205, 6924 Lakeside Avenue, Richmond, Virginia 23228-0176) and by the U.S. Department of Agriculture (July 1, 1986). Such prior permits shall be obtained by contacting the Division of Animal Industries, Illinois Department of Agriculture, State Fairgrounds, P.O. Box 19281, Springfield, Illinois 62794-9281, telephone 217/782-4944. Information regarding the origin, destination and description of the cattle along with the number of animals in the shipment is necessary for obtaining a permit.

b) Breeding cattle 12 months of age or over from such states shall be placed under quarantine and in isolation until retested and negative to an official test for brucellosis conducted not less than 45 days nor more than 120 days after entering Illinois. Breeding cattle originating from certified brucellosis-free herds are exempt from this provision.

c) All female cattle born after July 1, 1985, if more than 4 months of age, except spayed heifers (female cattle may be spayed after entry into Illinois with prior approval from the Division which will be given upon receipt of the name of the veterinarian who will be performing the operation) or those consigned directly to

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slaughter, entering Illinois from Class B or Class C states must be official calfhood vaccinates and vaccination status shall be recorded on the official interstate health certificate. In lieu of calfhood vaccination, cattle from Class B states entering Illinois for feeding purposes only may be identified with a hot iron brand on either or both jaws or either hip using the letter F of not less than three inches in height.

d) Female cattle, except those consigned directly to slaughter, entering Illinois from Class C states shall, in addition to present entry requirements now on file, either originate from a certified brucellosis-free herd or be spayed and be officially identified by a hot iron brand on either or both jaws or on either hip using an open spade design (e.g., as used in playing cards) of not less than three inches in height. Certification of spaying by an accredited veterinarian is to be shown on the official interstate health certificate. Female cattle may be spayed after entry into Illinois with prior approval from the Division which will be given upon receipt of the name of the veterinarian who will be performing the operation.

e) Calves under two months of age not accompanied by their dams may be imported from Class C states if they meet the following requirements:

- 1) An entry permit shall be obtained on all shipments. All such calves shall be quarantined until shipped to slaughter or neutered (spayed or castrated).
- 2) All calves shall be accompanied by the Certificate of Veterinary Inspection (i.e., health certificate) and shall be individually identified by official ear tags. The ear tag numbers shall be recorded on the Certificate.

(Source: Amended at 14 Ill. Reg. 1911, effective January 19, 1990)

Section 75.210 Official Calfhood Vaccination

A Effective January 1, 1987, a female bovine animal is recognized as an official vaccinee if the animal is not less than 120 days nor more than 299 days of age when inoculated against brucellosis. SUCH VACCINATIONS SHALL BE BY AN ACCREDITED VETERINARIAN WHO SHALL PROPERLY IDENTIFY EACH ANIMAL VACCINATED AND REPORT ALL

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SUCH VACCINATIONS TO THE DEPARTMENT WITHIN 30 DAYS (Section 1.12 of the Act ~~Ill. Rev. Stat. 1985, ch. 8, par. 134.12~~).

(Source: Amended at 14 Ill. Reg. 1911, effective January 19, 1990)

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NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Diseased Animals

2) Code Citation: 8 Ill. Adm. Code 85

3) Section numbers:	Adopted Action:
85.5	Amended
85.15	Amended
85.50	Amended
85.75	Amended
85.80	Amended
85.100	Amended
85.110	Amended

4) Statutory Authority: Illinois Diseased Animals Act (Ill. Rev. Stat. 1987, ch. 8, pars. 169, 171 and 180); Livestock Auction Market Law (Ill. Rev. Stat. 1987, ch. 121 1/2, par. 208).

5) Effective Date of Amendments: January 19, 1990

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? None requiring JCAR approval under Section 6.02(b) of the Illinois Administrative Procedure Act.

8) Date Filed in Agency's Principal Office: January 12, 1990

9) Notices of Proposal Published in Illinois Register:

Oct. 13, 1989, 13 Ill. Reg. 15926
(issue date)

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version:
Main Source Note, capitalized only the first letter in the word "Capitalization" and placed the other words in lower case.

Section 85.5, in line 1, changed "these rules" to "this Part".

Section 85.50(b)(3)(D), in line 4, changed "8 Ill. Adm. Code" to "Section" and in subsection (c)(3)(D), in line 3, changed "8 Ill. Adm. Code" to "Section".

Section 85.100(b), deleted the last period.

Section 85.110, deleted the comma after "1986".

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12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were requested.

13) Will this amendment replace an emergency amendment currently in effect?
No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments:

Section 85.80 has been amended to exempt out-of-state sheep that are consigned directly to a livestock auction market from being accompanied by a health certificate. Usually such sheep are consigned only to markets close to the state borders and are sent to slaughter. Further, the livestock auction market veterinarian checks the sheep to determine if they are free from infectious and communicable diseases; therefore, the health certificate requirement is being deleted.

Section 85.100 has been amended to reflect language that is quoted from the Act, and statutory reference to where the language can be found has been added. Further, this section has been amended to delete the requirement that the owner or shipper certify that the livestock are free of any known contagious or infectious disease. The livestock owner or shipper cannot be expected to verify that the livestock are free of disease. This statement can only legally be made by an accredited veterinarian.

We are updating references to the latest printed version of the federal rules, the Bovine Tuberculosis Eradication Uniform Methods and Rules and the Bovine Brucellosis Eradication Uniform Methods and Rules. Citing the latest printed versions of the federal code and the two Uniform Methods and Rules will assist the public in locating the latest printed versions of the documents and keep our cites up-to-date.

16) Information and questions regarding this adopted amendment shall be directed to:

Name: Donna Garman
Address: Division of Administrative Services, Illinois
Department of Agriculture, Agriculture Building, State
Fairgrounds, Springfield, Illinois 62794-9281
Telephone: (217) 785-0112

The full text of Adopted Amendments begins on the next page:

DEPARTMENT OF AGRICULTURE
NOTICE OF ADOPTED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 85
DISEASED ANIMALS

- Section
- 85.5 Definitions
 - 85.7 Incorporation by Reference
 - 85.10 Reportable Diseases
 - 85.15 Truck Cleaning and Disinfection
 - 85.20 Disposal of Sick, Diseased, or Crippled Animals at Stockyards
 - 85.25 Sale of Livestock Quarantined Because of Disease
 - 85.30 Identification Ear Tags for Livestock
 - 85.35 Identification Tags Not to be Removed
 - 85.40 Livestock for Immediate Slaughter Not to be Diverted En Route
 - 85.45 Anthrax
 - 85.50 Goats
 - 85.55 Scrapie in Sheep
 - 85.60 Bluetongue
 - 85.65 Sheep Foot Rot (Repealed)
 - 85.70 Cattle Scabies
 - 85.75 Cattle Scabies -- Additional Requirements on Cattle from Certain Designated Areas
 - 85.80 Sheep
 - 85.85 Diseased Animals
 - 85.90 Copy of Health Certificate Shall be Furnished
 - 85.95 Requests for Permits
 - 85.100 Consignments to Stockyards, Recognized Slaughtering Centers, or Marketing Centers
 - 85.105 Obligation of Transportation Company and Truck Operators
 - 85.110 Additional Requirements on Cattle From Designated States

AUTHORITY: Implementing and authorized by the Illinois Diseased Animals Act (Ill. Rev. Stat. 1987, ch. 8, par. 168 et seq.) and Section 6 of the Illinois Bovine Brucellosis Eradication Act (Ill. Rev. Stat. 1987, ch. 8, par. 139).

SOURCE: Regulations Relating to Diseased Animals, filed January 17, 1972, effective January 27, 1972; filed August 19, 1975, effective August 29, 1975; filed December 29, 1976, effective January 8, 1977; amended at 2 Ill. Reg. 24, p. 12, effective June 15, 1978; amended at 3 Ill. Reg. 33, p. 337, effective August 17, 1979; amended at 5 Ill. Reg. 724, effective January 2, 1981; cod-

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ified at 5 Ill. Reg. 10456; amended at 7 Ill. Reg. 1746, effective January 28, 1983; amended at 8 Ill. Reg. 5925, effective April 23, 1984; amended at 9 Ill. Reg. 4489, effective March 22, 1985; amended at 9 Ill. Reg. 18411, effective November 19, 1985; amended at 10 Ill. Reg. 20464, effective January 1, 1987; amended at 12 Ill. Reg. 8283, effective May 2, 1988; amended at 13 Ill. Reg. 3642, effective March 13, 1989; amended at 14 Ill. Reg. 1919, effective January 19, 1990.

NOTE: Capitalization denotes statutory language.

Section 85.5 Definitions

For the purpose of this Part these ~~rules~~, the following definitions shall apply:

"Accredited veterinarian" means a veterinarian who is licensed by the state in which he practices, is approved by the animal health authority of that state, and is accredited by the United States Department of Agriculture (9 CFR 160, 161 and 162; 1989 +988).

"Division" means the Division of Animal Industries of the Illinois Department of Agriculture, State Fairgrounds, P.O. Box 19281, Springfield, Illinois 62794-9281.

"Recognized slaughtering center" means an establishment where slaughtering is conducted under Federal or State inspection.

(Source: Amended at 14 Ill. Reg. 1919, effective January 19, 1990)

Section 85.15 Truck Cleaning and Disinfection

Any truck or other conveyance in which diseased livestock is transported shall be cleaned and disinfected immediately after the diseased livestock is unloaded as prescribed in the Code of Federal Regulations (9 CFR 71.7, 71.10-71.12; 1989 +988).

(Source: Amended at 14 Ill. Reg. 1919, effective January 19, 1990)

Section 85.50 Goats

a) Part A -- Brucellosis in Goats

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1) When a serologic test for brucellosis in goats discloses one or more reactors, the entire herd shall be placed under quarantine and the reactor(s) immediately isolated from the remainder of the herd, reactor tagged and branded, and slaughtered. After removal of the reactor(s), the entire herd shall be retested at time intervals and the number of times as requested by the Division. The length of the quarantine period shall be determined by the Division.

2) All brucellosis agglutination blood tests of goats shall be made at an approved laboratory.

b) Part B -- Requirements for Establishing and Maintaining Certified Brucellosis-Free Herds of Goats

1) General Requirements

A) Certified brucellosis-free herd certificates, which shall be valid for one year, unless revoked in accordance with the procedures as adopted by the United States Animal Health Association (P.O. Box 28176, Suite 205, 6924 Lakeside Avenue, Richmond, Virginia 23228-0176) and as outlined for cattle certificate revocation in the Brucellosis Eradication Uniform Methods and Rules, effective July 1, 1986, published by the United States Department of Agriculture, Animal and Plant Health Inspection Service, shall be issued by the Division.

B) Certificates shall be extended for a period of one year upon evidence of a negative herd retest and compliance with all requirements for maintenance of a certified brucellosis-free herd.

C) A "herd" shall be considered as including all animals 6 months of age and over and shall consist of at least 5 animals.

D) All animals in the herd shall be identified by registration number, individual tattoo, or ear tag.

E) All official blood tests of goats shall be conducted at an approved laboratory.

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2) To Qualify for Certification

A) Herds shall be certified upon completion of 2 consecutive negative complete herd tests not less than 10 nor more than 14 months apart.

B) Animals classified as suspects, in herds that are otherwise negative, must be retested at 30-day intervals until their status has been determined. If the suspects are sold or otherwise disposed of before their status has been determined, the entire herd must be retested to achieve a negative herd status. If the suspects are classified as reactors upon retest, the herd is considered to be infected. Diseased goats may only be consigned directly to a slaughtering facility and must be accompanied by a "Permit for Movement, VS Form 1-27".

C) If on the initial herd test, or as a result of any retests of animals in the herd, one or more reactors are disclosed, the entire herd shall be placed under quarantine and the reactor(s) immediately isolated from the remainder of the herd, reactor tagged and branded, and slaughtered. After removal of the reactor(s), the entire herd shall be retested at time intervals and the number of times as requested by the Division. The length of the quarantine period shall be determined by the Division.

3) To Qualify for Recertification

A) A negative herd test conducted within 60 days prior to the anniversary date is required for continuous certification. Upon receipt of a negative herd test, the Division shall extend certification for 12 months from the anniversary date.

B) If the annual test for recertification is conducted within 60 days following the anniversary date and all the animals are negative, certification will be restored and the certification period will be 12 months from the anniversary date.

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- C) If the annual test for recertification is not conducted within 60 days following the anniversary date, certification is cancelled and recertification requirements are then the same as for initial certification.
- D) If suspects or reactors are disclosed on a recertification test, their disposition and herd retest requirements shall be the same as specified in Section 8 Ill. Adm. Code 85.50(b)(2)(B) and (C).
- E) All official blood tests of goats shall be conducted at an approved laboratory.

4) Additions to Certified Brucellosis-Free Herds

- A) Animals originating from other certified herds may be added without tests.
- B) Animals originating from herds not certified may be added; provided, they are negative to an official brucellosis test within 60 days prior to addition, are held in isolation from other members of the certified herd for a minimum period of 30 days and are retested and negative at the end of this isolation period.
- C) Purchased additions shall not receive new herd status for sale or exhibition purposes until they have been members of the herd for at least 30 days and are included in a complete herd retest.

c) Part C -- Requirements for Establishing and Maintaining Accredited Tuberculosis-Free Herds of Goats

1) General Requirements

- A) Accredited tuberculosis-free herd certificates, which shall be valid for one year, unless revoked in accordance with the procedures outlined in the Bovine Tuberculosis Eradication Uniform Methods and Rules, effective March 31, 1988, as amended February 3, 1989, Part III R, Accredited Herd Plan for Dairy Goats, shall be issued by the Division (9 CFR 77.1 (1989 1988)).

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- B) Certificates may be extended for a period of one year upon evidence of a negative herd retest and compliance with all requirements for maintenance of an accredited tuberculosis-free herd.
- C) A "herd" shall be considered as including all animals 12 months of age and over and shall consist of at least 5 animals.
- D) All animals in the herd shall be identified by registration number, individual tattoo, or ear tag.

- E) All official tuberculin tests shall be conducted by an accredited veterinarian or a veterinarian in the employ of the Illinois Department of Agriculture or the United States Department of Agriculture.

2) To Qualify for Accreditation

- A) Herds shall be accredited upon completion of 2 consecutive negative complete herd tests not less than 10 nor more than 14 months apart.
- B) If a reaction to the tuberculin test is disclosed, the veterinarian reading the test shall, within 24 hours, notify the Division by collect telephone call and make arrangements for a veterinarian trained in conducting the comparative-cervical test to retest the animal within 10 days of the original injection. If the animal is identified as a reactor as a result of the comparative-cervical test, personnel from either the Illinois Department of Agriculture or the United States Department of Agriculture will issue a quarantine, supervise disposition of animals, and conduct additional tests on members of the herd.

3) To Qualify for Reaccreditation

- A) A negative herd test conducted within 60 days prior to the anniversary date is required for continuous accreditation. Upon receipt of a negative herd test, the Division shall extend accreditation for 12 months from the anniversary date.

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B) If the annual test for reaccreditation is conducted within 60 days following the anniversary date, certification will be restored and the reaccreditation period will be 12 months from the anniversary date.

C) If the annual test for reaccreditation is not conducted within 60 days following the anniversary date, accreditation is cancelled and reaccreditation requirements are then the same as for initial accreditation.

D) If a reaction to the tuberculin test is disclosed at the time of the reaccreditation test, the procedure outlined in Section 8 ~~11~~ ¹¹ ~~Adm~~ ^{Adm} ~~Gen~~ ^{Gen} 85.50(b)(2)(B) shall be followed.

4) Additions to Accredited Tuberculosis-Free Herds

A) Animals originating from other accredited herds may be added without tests.

B) Animals originating from herds not accredited may be added; provided, they are negative to an official test for tuberculosis within 60 days prior to addition and are retested and negative to an official tuberculin test not sooner than 60 days from the date the previous test was conducted.

C) Purchased additions shall not receive new herd status for sale or exhibition purposes until they have been members of the herd for at least 60 days and are included in a complete herd retest.

d) Part D - Other Contagious Diseases. All goats, including dairy goats, will not be allowed to be exhibited in Illinois and must be removed immediately from the exhibition area if showing signs of any of the following conditions:

- 1) Lesions of contagious ecthyma (sore mouth).
- 2) Active lesions of ringworm with resulting loss of hair.

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3) Caseous lymphadenitis as evidenced by draining abscesses.

(Source: Amended at 14 Ill. Reg. 1919, effective January 19, 1990.)

Section 85.75 Cattle Scabies -- Additional Requirements on Cattle from Certain Designated Areas

a) A prior permit must be obtained from the Division before cattle, except those consigned direct to slaughter, may enter Illinois from certain designated areas determined to have high incidence of cattle scabies. The Director of the Department shall have authority to specify the designated areas from which movement of cattle into Illinois will be restricted.

b) Cattle from such areas, except those consigned to a recognized exhibition and moved from Illinois following exhibition (county and State fairs, other State-supported exhibitions, and breed registry exhibitions); dairy cattle; or those consigned direct to slaughter, shall be dipped for cattle scabies within 10 days prior to entry or treated in accordance with the procedures as set forth in 9 CFR 73.12 (1989 ~~1988~~).

c) Each such animal shall be treated with a solution of approved acaricide and water or other method of treatment approved by the United States Department of Agriculture (9 CFR 73.10 and 73.12; 1988).

(Source: Amended at 14 Ill. Reg. 1919, effective January 19, 1990.)

Section 85.80 Sheep

a) All sheep entering Illinois for breeding, exhibition or feeding purposes, except for sheep consigned directly to a livestock auction market, shall be accompanied by an official health certificate. The health certificate shall indicate the sheep were examined within 30 days prior to entry and found free of any infectious or communicable disease and that they have not recently been exposed thereto.

b) Any sheep which shows lesions of contagious ecthyma (sore mouth) shall not be exhibited in the State and must be removed immediately from the exhibition area.

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(Source: Amended at 14 Ill. Reg. 1919, effective January 19, 1990)

Section 85.100 Consignments to Stockyards, Recognized Slaughtering Centers, or Marketing Centers

- a) All out-of-state livestock consigned to a public stockyard, recognized slaughtering center, or marketing center shall be accompanied from point of origin by a permit issued by the Division, or by a consignment issued by the owner or shipper of the livestock, designating the name of the owner or shipper, place of origin, public stockyard, recognized slaughtering center, or marketing center, date of destination, date of shipment, number and description of livestock, and that the livestock in said consignment are free from any known contagious or infectious disease.

- b) A copy of the consignment shall be held by the public stockyard, recognized slaughtering center, or marketing center for a period of not less than 6 months for inspection by legally authorized officials of the United States Department of Agriculture, and the Illinois Department of Agriculture, and other officials having police powers. (See Section 1 of the Livestock Auction Market Law (Ill. Rev. Stat. 1987, ch. 121 1/2, par. 208)). Consignment shall be held by the public stockyard, recognized slaughtering center, or marketing center for a period of not less than 6 months for inspection by legally authorized officials of the United States Department of Agriculture, or the Illinois Department of Agriculture or other officials having police powers.

(Source: Amended at 14 Ill. Reg. 1919, effective January 19, 1990)

Section 85.110 Additional Requirements on Cattle From Designated States

Female cattle, except those consigned direct to slaughter or calves under 6 months of age, entering Illinois for feeding purposes from states designated by the U. S. Department of Agriculture

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ture as Class B and Class C states under provisions of the Brucellosis Eradication Uniform Methods and Rules (July 1, 1986 1984, as amended June 15, 1985) as approved by the United States Animal Health Association (P.O. Box 28176, Suite 205, 6924 Lakeside Avenue, Richmond, Virginia 23228-0176) and the U.S. Department of Agriculture shall, in addition to present entry requirements now on file, be tagged in the right ear with an official ear tag identifying the cattle to the state of origin. The ear tag series shall be recorded on the official interstate health certificate, or on the owner-shipper statement. These official, uniformly numbered ear tags may be applied by anyone.

(Source: Amended at 14 Ill. Reg. 1919, effective January 19, 1990)

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1) The Heading of the Part: Illinois Bovine Tuberculosis Eradication Act

2) Code Citation: 8 Ill. Adm. Code 80

3) Section numbers: Adopted Action:
80.10 Amended
80.110 Amended

4) Statutory Authority: Illinois Bovine Tuberculosis Eradication Act
(Ill. Rev. Stat. 1987, ch. 8, pars. 87.5, 95, 98.6, and 104).

5) Effective Date of Amendments: January 19, 1990

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? None requiring
JCAR approval under Section 6.02(b) of the Illinois Administrative Procedure
Act.

8) Date Filed in Agency's Principal Office: January 12, 1990

9) Notices of Proposal Published in Illinois Register:

Oct. 13, 1989, 13 Ill. Reg. 15938
(issue date)

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version: None.

12) Have all the changes agreed upon by the agency and JCAR been made as
indicated in the agreement letter issued by JCAR? No changes were
requested.

13) Will this amendment replace an emergency amendment currently in effect?
No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments:

We are updating references to the Bovine Tuberculosis Eradication Uniform
 Methods and Rules, which has been amended February 3, 1989. These amendments
 will not impose any additional compliance requirements on cattle. Citing
 the latest amended version is for convenience since this is the version
 that is on file in the Department and at the United States Animal Health
 Association.

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16) Information and questions regarding this adopted amendment shall be
directed to:

Name: Donna Garman
 Address: Division of Administrative Services, Illinois
Department of Agriculture, Agriculture Building, State
Fairgrounds, Springfield, Illinois 62794-9281
 Telephone: (217) 785-0112

The full text of Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER 1: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS (EXCEPT MEAT
AND POULTRY INSPECTION ACT REGULATIONS)

PART 80

ILLINOIS BOVINE TUBERCULOSIS ERADICATION ACT

Section	Requirements for Illinois Tuberculosis-Free Accredited Herd
80.10	When Indemnity Will Be Paid on Tests
80.20	Herds Quarantined Because of Suspected Tuberculosis Infection
80.30	Identification Tags Not To Be Removed
80.40	Infected Herd Depopulation (Repealed)
80.50	Cattle for Immediate Slaughter (Repealed)
80.60	Feeding or Grazing Cattle (Repealed)
80.70	Female Cattle--Beef Breeds--18 Months and Over (Repealed)
80.80	Female Cattle--Beef Breeds--18 Months and Over (Repealed)
80.90	Release of Quarantined Feeding or Grazing Cattle from Quarantine (Repealed)
80.100	Release of Feeding or Grazing Cattle from Quarantine (Repealed)
80.110	Dairy or Beef Cattle or Steers
80.120	Tuberculin Tests

AUTHORITY: Implementing and authorized by the Illinois Bovine Tuberculosis Eradication Act (Ill. Rev. Stat. 1987, ch. 8, par. 87 et seq.).

SOURCE: Regulations Relating to Bovine Tuberculosis, filed January 17, 1972, effective January 27, 1972; filed June 21, 1976, effective July 1, 1976; filed December 29, 1976, effective January 8, 1977; amended at 2 Ill. Reg. 24, p. 1, effective June 15, 1978; codified at 5 Ill. Reg. 10455; amended at 7 Ill. Reg. 1742, effective January 28, 1983; amended at 8 Ill. Reg. 17809, effective October 1, 1984; amended at 9 Ill. Reg. 4503, effective March 22, 1985; amended at 9 Ill. Reg. 18432, effective November 19, 1985; emergency amendment at 11 Ill. Reg. 5326, effective March 13, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10183, effective May 15, 1987; amended at 12 Ill. Reg. 8295, effective May 2, 1988; amended at 13 Ill. Reg. 3676, effective March 13, 1989; amended at 14 Ill. Reg. 1931, effective January 19, 1990, 1990.

Section 80.10 Requirements for Illinois Tuberculosis-Free Accredited Herd

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A cattle herd qualifies as a tuberculosis-free accredited herd when it meets the requirements of the Bovine Tuberculosis Eradication Uniform Methods and Rules (March 31, 1988, as amended February 3, 1989) for such herds as approved by the United States Animal Health Association (P.O. Box 28176, Suite 205, 6924 Lakeside Avenue, Richmond, Virginia 23228-0176) and the United States Department of Agriculture, Animal and Plant Health Inspection Service, for the establishment and maintenance of a tuberculosis-free accredited herd of cattle. This incorporation by reference does not include any future amendments or editions beyond the date specified.

(Source: Amended at 14 Ill. Reg. 1931, effective January 19, 1990)

Section 80.110 Dairy or Beef Cattle or Steers

All dairy or beef cattle or steers being exhibited in the State of Illinois from Accredited Tuberculosis Free States as defined under the Bovine Tuberculosis Eradication Uniform Methods and Rules (March 31, 1988, as amended February 3, 1989) as approved by the United States Animal Health Association (P.O. Box 28176, Suite 205, 6924 Lakeside Avenue, Richmond, Virginia 23228-0176) and the United States Department of Agriculture shall be accompanied by an official certificate of health issued by an accredited veterinarian. This incorporation by reference does not include any future amendments or editions beyond the date specified. No tuberculin test is required for cattle originating from Accredited Tuberculosis Free States. Cattle being exhibited in Illinois from a state that is not Tuberculosis Accredited Free shall be accompanied by an official certificate of health issued by an accredited veterinarian showing:

- Cattle originated from an accredited tuberculosis-free herd. Accredited herd number and date of last test shall be recorded on the certificate and the cattle shall be identified by ear tag number, tattoo number or registration name and number, OR
- Cattle originating out-of-state were negative to a tuberculin test conducted within 60 days prior to exhibition, OR
- If Illinois is not an Accredited Tuberculosis Free State, cattle originating in Illinois were negative to a tuberculin test conducted within 90 days prior to exhibition.

(Source: Amended at 14 Ill. Reg. 1931, effective January 19, 1990)

- 1) The Heading of the Part: Illinois Pseudorabies Control Act

2) Code Citation: 8 Ill. Adm. Code 115

3) Section numbers: Adopted Action:
115.20 Amended
115.40 Amended
115.80 Amended

4) Statutory Authority: Illinois Pseudorabies Control Act (Ill. Rev. Stat. 1987, ch. 8, par. 805.1, 807, 811, as amended by P.A. 86-231, effective August 15, 1989).

5) Effective Date of Amendments: January 19, 1990

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: January 17, 1990

9) Notices of Proposal Published in Illinois Register:
Oct. 13, 1989, 13 Ill. Reg. 15942
(issue date)

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version:
Section 115.80(b), in line 3, changed "Section 115.80" to "subsection".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were requested.

13) Will this amendment replace an emergency amendment currently in effect?
No

14) Are there any amendments pending on this Part? Yes
Section Number Proposed Action Illinois Register Citation
115.50 Amend 13 Ill. Reg. 19329; December 15, 1989

15) Summary and Purpose of Amendments:
- The testing requirements for releasing pseudorabies quarantines, for establishing and maintaining qualified pseudorabies negative herds, and for pseudorabies testing of feeder swine have been amended to bring the Illinois program into compliance with the national program. The
- amendments (Section 115.50) require a post quarantine test of a representative sample of the herd and change the time periods for conducting testing. The amendments (Section 115.40(b)(1)) of the maintenance requirements for qualified pseudorabies negative herds will require the testing of each breeding animal in a swine herd at least once a year. An unnecessary test for requalification of the swine herd (Section 115.40(b)(2)) has been eliminated.

The amendments in Section 115.40(a)(4) were the recommendations of the Pseudorabies Advisory Board and are intended decrease the possibility of qualified Pseudorabies-negative herds being established with animals that are infected with pseudorabies. A test is required of a representative sample of the groups that were purchased to make up the herd.

In Section 115.80, swine that originate from states classified as Stage IV or Stage V under the Pseudorabies Eradication State-Federal-Industry-Program Standards may enter or move within Illinois without further testing. These program standards are the national program requirements for the pseudorabies program.
- 16) Information and questions regarding this adopted amendment shall be directed to:
- Name: Donna Garman
Address: Division of Administrative Services, Illinois
Department of Agriculture, Agriculture Building, State
Fairgrounds, Springfield, Illinois 62794-9281
Telephone: (217) 785-0112
- The full text of Adopted Amendments begins on the next page:

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PART 115
 ILLINOIS PSEUDORABIES CONTROL ACT

Section:

- 115.10 Definitions
- 115.15 Incorporation by Reference
- 115.20 Pseudorabies Quarantines
- 115.30 General Requirements for Qualified Pseudorabies Negative, Controlled Vaccinated and Feeder Swine Pseudorabies Monitored Herds
- 115.40 Requirements for Establishing and Maintaining Qualified Pseudorabies Negative Herds
- 115.50 Requirements for Establishing and Maintaining Pseudorabies Controlled Vaccinated Swine Herds
- 115.60 Requirements for Establishing and Maintaining Feeder Swine Pseudorabies Monitored Herds
- 115.70 Pseudorabies Test Requirements for Intrastate Movement
- 115.80 Pseudorabies Testing of Feeder Swine
- 115.90 Feeder Swine
- 115.100 Breeding Animals Consigned to Slaughter

AUTHORITY: Implementing and authorized by the Illinois Pseudorabies Control Act (Ill. Rev. Stat. 1987, ch. 8, par. 801 et seq.) as amended by P.A. 86-231, effective August 15, 1989).

SOURCE: Adopted at 12 Ill. Reg. 3394, effective January 22, 1988; amended at 13 Ill. Reg. 3685, effective March 13, 1989; amended at 14 Ill. Reg. 1935, effective January 19, 1990.

Section 115.20 Pseudorabies Quarantines

- a) When pseudorabies has been diagnosed in a swine herd, such herd shall be placed under quarantine when:
 - 1) It has been determined that there have been multiple swine deaths on the premises that are attributable to pseudorabies AND that swine are actually ill of a disease clinically diagnosed as pseudorabies; OR
 - 2) Pseudorabies (Anjeszky's disease) has been confirmed by diagnosis by an approved laboratory; OR

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- 3) One or more swine are positive to an official test for pseudorabies. Positive swine may be retested once. The results of the retest will be considered final.

- b) Quarantined animals shall not be sold, loaned or traded except for slaughter. Such swine may be shipped to any market, except those which release swine for breeding or feeding purposes. Examples of markets which shall not receive such swine for slaughter are livestock auction markets, other markets licensed as feeder swine dealers, or order buyers and other slaughter buyers releasing swine for breeding or feeding purposes.

- c) Pseudorabies quarantines shall be released when:

- 1) All swine on the premises have been shipped to slaughter, the premises have been cleaned and disinfected, and the premises have remained vacant for at least 30 days; OR
- 2) Two negative official pseudorabies tests at least 90 days apart have been obtained on a representative sample of the breeding swine in the herd 6 months of age and over not less than 30 45 days after the last positive animal has been shipped to slaughter. In herds of 35 animals or less, a representative sample is all or 10 animals, whichever is less. In herds of 36 to 299 animals, a representative sample is 30% or 30 animals, whichever is less. In herds of 300 or more, a representative sample is a minimum of 10%. A post quarantine test of a representative sample of the herd based on the above criteria shall be conducted between six and twelve months after release of quarantine; OR
- 3) A negative test has been made on the complete breeding herd at least 30 45 days after the last known exposed swine have left the premises.
- 4) Department shall require additional herd tests prior to release of quarantine when epidemiologic evidence, such as, the presence of pseudorabies on neighboring farms or indications of reintroduction of infection into the herd is apparent.

(Source: Amended at 14 Ill. Reg. 1935, effective January 19, 1990)

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Section 115.40 Requirements for Establishing and Maintaining Qualified Pseudorabies Negative Herds

a) Initial Requirements:

- 1) Herds which are not under quarantine for pseudorabies shall be initially qualified upon completion of one negative herd test of all breeding swine 6 months of age and over.
- 2) A minimum of 90 percent of the herd shall have been on the premises for at least 90 days OR shall have originated direct from another qualified pseudorabies negative herd.

- 3) If positive swine are disclosed in a herd in the process of becoming a qualified pseudorabies negative herd, the positive animals shall be immediately isolated from the remainder of the herd and be disposed of for slaughter OR be maintained on another premises separate and apart from that where the negative swine are maintained. The herd shall then be recognized as a qualified pseudorabies negative herd when it has complied with the provisions of Section 115.40(a)(1).

- 4) A qualified pseudorabies negative herd may be established without a complete herd test if all the swine originate from qualified pseudorabies negative herds and only after the first quarterly test or 25% of the herd has been tested. This test shall include a representative sample of all groups that were purchased to make up the herd.

b) Maintenance Requirements:

- 1) Qualified pseudorabies negative herd status is maintained by subjecting all swine over 6 months of age in the herd to an official pseudorabies serologic test at least once each year (this shall be accomplished by testing 25% of swine over 6 months of age every 80 to 105 days and finding all swine so tested negative, or by testing 10% of the swine over 6 months of age each month and finding all swine so tested negative) shall be maintained continuously by a negative retest of 25 percent of the qualified herd approximately each 90 days (80-105 days) OR 10 percent of the qualified herd at approximately each

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30 days (25-35 days). Breeding stock in the herd 6 months of age and over, in a number equal to 25 percent of the number in the breeding herd on the date of the maintenance test shall be included in the 90- or 30- day test. The same animals shall not be retested for requalification purposes in any 12-month period, except during the first 12-month period following the initial qualification test. If the members of the qualified herd are maintained on more than one premises, 25 or 10 percent of the swine on each premises shall be retested as required. If the 25 or 10 percent retests are not conducted when due, the requalification requirements shall then be the same as for initial qualification.

- 2) If positive swine are disclosed on a requalification test, or on a test for any other purpose, the positive swine shall be immediately isolated from the remainder of the herd and be disposed of for slaughter OR maintained on another premises separate and apart from that where the negative swine are maintained. The infected premises or portions thereof shall be cleaned and disinfected. Such herd may again be recognized as a qualified pseudorabies negative herd upon completion of a ~~two consecutive~~ two consecutive negative herd test ~~tests~~ conducted not less than 30 days after the last infected swine have been removed and the premises cleaned and disinfected ~~new~~ new ~~more~~ than 60 days apart. Such herd test shall include all breeding swine 6 months of age and over.

c) Additions:

- 1) Swine originating in another qualified pseudorabies negative herd may enter Illinois qualified pseudorabies negative herd without test.
- 2) Swine originating from other than a qualified pseudorabies negative herd shall be negative to an official test for pseudorabies conducted not more than 30 days prior to entry into the herd, shall be held in isolation from the other members of the qualified herd, and shall be retested and negative to an official test for pseudorabies not less than 30 nor more than 60 days following entry.
- 3) Members of a qualified pseudorabies negative herd which are exhibited or are otherwise commingled with

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swine from non-qualified pseudorabies negative herds shall be held in isolation on the herd premises for a minimum of 30 days after return AND shall be tested and negative to an official test for pseudorabies before being reunited with other members of the qualified herd.

(Source: Amended at 14 Ill. Reg. 1935, effective January, 19, 1990)

Section 115.80 Pseudorabies Testing of Feeder Swine

a) Swine for feeding purposes shall, in addition to complying with the other requirements of this Part and 8 Ill. Adm. Code 105.10, enter or move within Illinois without further testing requirements for pseudorabies if:

- 1) The swine are from a qualified pseudorabies negative herd, a pseudorabies controlled vaccinated herd, or a feeder swine pseudorabies monitored herd; or
- 2) The swine are from a herd in which a representative sample of animals 6 months of age and over have been tested and are negative to an official serological test for pseudorabies within the preceding 12 months. In herds of 35 animals or less, a representative sample is all swine 6 months of age and over or at least 10 animals, whichever is less. In herds of 36 animals or more, a representative sample is a minimum of 30 percent or 30 animals that are 6 months of age and over, whichever is less; or

- 3) The swine originate from a state or a portion of a state that has been classified as Class A or Class B in accordance with Criteria for Recognizing PRV Low-Prevalence Areas (1986; National Pseudorabies Control Board, 6414 Copps Avenue, No. 116, Madison, Wisconsin 53716) or classified as Stage IV or Stage V under the Pseudorabies Eradication State-Federal-Industry Program Standards (April, 1989) as approved by the United States Animal Health Association (P.O. Box 28176, Suite 205, 6924 Lakeside Avenue, Richmond, Virginia 23228-0176). However, in the case of a Class B classification, the pseudorabies program in the state or portion of the state must have been in compliance with Class B standards for at least one year.

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- b) Swine tested for pseudorabies under a market swine testing program (Section 115.100) will be included in the representative sample required in subsection 115.80(a)(2).

(Source: Amended at 14 Ill. Reg. 1935, effective January 19, 1990)

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1) The Heading of the Part: Livestock Auction Markets2) Code Citation: 8 Ill. Adm. Code 40

3) Section numbers:	Adopted Action:
40.5	Amended
40.60	Amended
40.170	Amended
40.190	Amended

4) Statutory Authority: Livestock Auction Market Law (Ill. Rev. Stat. 1987, ch. 121 1/2, pars. 210, 211.5, 213, 215d, 218, as amended by P.A. 86-231, effective August 15, 1989); Illinois Swine Brucellosis Eradication Act (Ill. Rev. Stat. 1987, ch. 8, par. 148g); Illinois Bovine Brucellosis Eradication Act (Ill. Rev. Stat. 1987, ch. 8, par. 138).

5) Effective Date of Amendments: January 19, 19906) Does this rulemaking contain an automatic repeal date? No7) Does this amendment contain incorporations by reference? No8) Date Filed in Agency's Principal Office: January 12, 1990

9) Notices of Proposal Published in Illinois Register:

Oct. 13, 1989, 13 Ill. Reg. 15950
(issue date)

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version:
Section 40.5, in line 2, capitalized the first letter of the word "section".
Section 40.60(h), in line 4, added "section 5 of" after "provided by".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were requested.

13) Will this amendment replace an emergency amendment currently in effect?
No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments:

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We have updated statutory references to Illinois laws, as amended. The cites to the Acts, as amended, will not impose any additional compliance requirements not already statutorily imposed and is intended to keep the statutory references up-to-date.

We have deleted the requirement that out-of-state sheep consigned to a livestock auction market must be accompanied by a health certificate because such sheep are consigned only to markets close to the state borders and are usually sent to slaughter. Further, the livestock auction market veterinarian checks the sheep to determine if they are free from infectious and communicable diseases; therefore, the health certificate requirement is being deleted.

16) Information and questions regarding this adopted amendment shall be directed to:

Name: Donna Garman
Address: Division of Administrative Services, Illinois
Department of Agriculture, Agriculture Building, State
Fairgrounds, Springfield, Illinois 62794-9281
Telephone: (217) 785-0112

The full text of Adopted Amendments begins on the next page:

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TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SURCHAPTER b: ANIMALS AND ANIMAL PRODUCTS (EXCEPT MEAT
AND POULTRY INSPECTION ACT REGULATIONS)

PART 40
LIVESTOCK AUCTION MARKETS

Section	
40.5	Definitions
40.10	Fee to Accompany Application Not To Be Refunded
40.20	Release of Livestock for Interstate Shipment
40.30	Veterinary Inspection
40.40	Veterinary Office
40.50	Detection of Diseased Animals
40.60	Bovine Brucellosis
40.70	Quarantine Pen
40.80	The Sale of Livestock for Immediate Slaughter
40.90	Test Chute
40.100	Brucellosis Test
40.110	Sale of Official Brucellosis Calhhood Vaccinates
	Under 24 Months of Age
40.120	Feeder Cattle Subject to Quarantine
40.130	Backtagging
40.140	Yarding and Housing
40.150	Display License (Repealed)
40.160	Sale Day
40.170	Swine
40.180	Swine Which React to Test for Brucellosis
40.190	Sheep
40.200	Surety Bonds and Other Pledged Security
40.210	Cancellation of Escrow Agreements (Personal Bonds) (Repealed)
40.220	Swine Movement Limitations (Repealed)
40.230	Disposition of Rejected Feeding or Breeding Swine
40.240	Director To Be Named Trustee (Repealed)

AUTHORITY: Implementing and authorized by the Livestock Auction Market Law (Ill. Rev. Stat. 1987 4985, ch. 121 1/2, par. 208 et seq., as amended by P.A. 86-231, effective August 15, 1989) and Section 40.23 of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987 4985, ch. 177, par. 40.23, as amended by P.A. 86-232, effective August 15, 1989).

SOURCE: Regulations Relating to Livestock Auction Markets, filed January 17, 1972, effective January 27, 1972; filed May 3, 1972, effective May 13, 1972; filed December 14, 1973, effective December 24, 1973; filed March 2, 1976, effective March 12, 1976; 2

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Ill. Reg. 24, p. 73, effective June 15, 1978; codified at 5 Ill. Reg. 10442; amended at 8 Ill. Reg. 5956, effective April 23, 1984; amended at 10 Ill. Reg. 9754, effective May 21, 1986; amended at 12 Ill. Reg. 3411, effective January 22, 1988; amended at 14 Ill. Reg. 1943, effective January 19, 1990.

Section 40.5 Definitions

Definitions for the rules of this Part can be located in the general definitions Section (8 Ill. Adm. Code 20.1). The following definition shall also apply to the rules of this Part:

"Act" means the Livestock Auction Market Law (Ill. Rev. Stat. 1987 4985, ch. 121 1/2, par. 208 et seq., as amended by P.A. 86-231, effective August 15, 1989).

(Source: Amended at 14 Ill. Reg. 1943, effective January 19, 1990.)

Section 40.60 Bovine Brucellosis

a) Cattle which, upon being tested for brucellosis at a livestock auction market, are classified as reactors to the official test shall be placed in the quarantine pen and sold for immediate slaughter.

b) The reactors when sold for slaughter shall be delivered to a public stockyard or recognized slaughtering establishment and be positively identified and branded as provided by Section 5 of the Illinois Bovine Brucellosis Eradication Act (Ill. Rev. Stat. 1987 4985, ch. 8, par. 138). The purchaser of the reactors shall sign a VS Form 1-27, "Permit For Movement of Animals." Illinois brucellosis reactors disclosed at other than a livestock auction market may be consigned to a livestock auction market designated as a marketing center if accompanied by official VS Form 1-27, "Permit For Movement of Animals". A new VS Form 1-27 shall be prepared by the livestock auction market veterinarian and shall accompany the reactor to slaughter.

c) When one or more brucellosis reactors are disclosed in a group of cattle, the negative cattle which have been in contact with the reactors for more than 24 hours shall be either returned to the farm of origin under quarantine OR shipped directly to a recognized slaughtering establishment or a public stockyard, accompanied by VS Form 1-27 to be sold for slaughter only. Unless cattle

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are being returned to the farm of origin, they shall be identified by an ear tag provided by the Division and by branding with a hot iron the letter "S" on the left jaw in letters not less than 2 nor more than 3 inches in height, before the cattle leave the livestock auction market.

(Source: Amended at 14 Ill. Reg. 1943, effective January 19, 1990.)

Section 40.170 Swine

a) The purchaser of swine shall be furnished a certificate of inspection (Form H-52) at the time of purchase. The certificate shall identify swine by breed, color, weight and right ear identification tag number or other permanent identification.

b) In no case shall swine remain on the livestock auction market premises for more than 10 days.

c) Out-of-state feeder swine shall enter Illinois accompanied by a health certificate and a permit (8 Ill. Adm. Code 105.10) and be ear tagged to show state of origin. Such swine shall move directly into Illinois from the state of origin. A report of sale shall be made within 48 hours of the time of sale (on Form Z-5) to the Division of Animal Industries, stating name and address of purchaser and number of animals purchased. Such swine shall be quarantined to the purchaser for 21 days by the Division (8 Ill. Adm. Code 105.20).

d) Ear tag identification of swine, together with the name and address of consignor and purchaser, date of sale, breed and number purchased, shall be made a part of the records of the livestock auction market before swine leave the livestock auction market.

e) In accordance with Section 2 of the Illinois Swine Brucellosis Eradication Act (Ill. Rev. Stat. 1987-1988, ch. 8, par. 1488), all breeding swine 4 months of age and over shall be negative to an official test for brucellosis within 60 days prior to sale or originate from a validated brucellosis-free herd. Such test shall be recognized for one change of ownership or premises only within the 60-day period.

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(Source: Amended at 14 Ill. Reg. 1943, effective January 19, 1990.)

Section 40.190 Sheep

a) Livestock auction market veterinarians are required to check each consignment of sheep at time of presentation at the sale to determine that to the best of their knowledge and belief the sheep are free from infectious and communicable diseases and that out-of-state and stockyard sheep are accompanied by proper health certificates or certificates of federal inspection (8 Ill. Adm. Code 85.80).

b) When diseased sheep, except those exhibiting evidence of contagious foot rot, are found at a livestock auction market, the livestock auction market veterinarian shall immediately place the diseased sheep under quarantine and order the owner to return such sheep to his premises under quarantine. The livestock auction market veterinarian shall notify the Division of such quarantine. The quarantine will remain in effect until the Division receives notice of the death of the sheep, OR receives a report from a licensed veterinarian that the animal or animals have recovered and are in a healthy condition.

c) When sheep exhibit evidence of contagious foot rot, such sheep shall be tagged with the "slaughter only" red ear tag and be accompanied directly to slaughter by Form C-24a, revised.

(Source: Amended at 14 Ill. Reg. 1943, effective January 19, 1990.)

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- 1) The Heading of the Part: Marketing Center (Livestock)
- 2) Code Citation: 8 Ill. Adm. Code 45
- 3) Section numbers: Adopted Action:
45.20 Amended
45.150 Amended
- 4) Statutory Authority: Livestock Auction Market Law (Ill. Rev. Stat. 1987, ch. 121 1/2, pars. 208, 210, 211.5, 213, 215, and 215a, as amended by P.A. 86-231, effective August 15, 1989)
- 5) Effective Date of Amendments: January 19, 1990
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 12, 1990
- 9) Notices of Proposal Published in Illinois Register:

Oct. 13, 1989, 13 Ill. Reg. 15956
(issue date)

- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version:
Statutory Authority: Capitalized the first letter of the word "CAPITALIZATION" and place remainder of that word and the following words in lower case.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were requested.
- 13) Will this amendment replace an emergency amendment currently in effect?
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments:
- Section 45.20 has been amended to reflect language that is quoted from the Act, and statutory reference to where the language can be found has been added. Language that is not a direct quote of the statutes has been placed in lower case.

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Further, Section 45.20 has been amended to require all out-of-state cattle consigned to a marketing center to be accompanied by a permit issued by the Division or by a consignment document, but not both. The current language requires both the consignment document and the permit. The Department has determined that either document will meet our needs for determining compliance with Illinois requirements.

In Section 45.150, we are updating references to the Livestock Auction Market law, as amended, and the latest printed version of the federal rules. The cite to the Act, as amended, will not impose any additional compliance requirements not already statutorily imposed and is intended to keep the statutory references up-to-date. Citing the latest printed version of the federal code will assist the public in locating the rules and keep the federal code cites up-to-date.

16) Information and questions regarding this adopted amendment shall be directed to:

Name: Donna Garman

Address: Division of Administrative Services, Illinois

Department of Agriculture, Agriculture Building, State

Fairgrounds, Springfield, Illinois 62794-9281

Telephone: (217) 785-0112

The full text of Adopted Amendments begins on the next page:

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TITLE 8: AGRICULTURE AND ANIMALS

CHAPTER I: DEPARTMENT OF AGRICULTURE

SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS (EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 45

MARKETING CENTER (LIVESTOCK)

Section	Definition
45.10	Out-of-state Cattle Consignment; Permit
45.20	Release of Livestock for Interstate Shipment (Repealed)
45.30	Report on Tests of Animals Sold or Released (Repealed)
45.40	Disinfecting Contaminated Alleyways, Pens and Chutes (Repealed)
45.50	Floors; Marketing Center (Repealed)
45.60	Protection of Livestock from Inclement Weather (Repealed)
45.70	Sale Ring (Repealed)
45.80	Care and Handling of Livestock (Repealed)
45.90	Records (Repealed)
45.100	Out-of-state Female Cattle and Steers; Consignment (Repealed)
45.110	Reporting Receipt of Out-of-state Cattle
45.120	Dial System Scale (Repealed)
45.130	Hearing; Removal of Official Designation as a Marketing Center (Repealed)
45.140	Requirements for a Marketing Center

AUTHORITY: Implementing and authorized by Section 8a of the Livestock Auction Market Law (Ill. Rev. Stat. 1987 4983, ch. 121 1/2, par. 215a, as amended by P.A. 86-231, effective August 15, 1989).

SOURCE: Regulations Governing a Marketing Center, filed January 17, 1972, effective January 27, 1972; filed May 3, 1972, effective May 13, 1972; 2 Ill. Reg. 24, p.73, effective June 15, 1978; codified at 5 Ill. Reg. 10444; amended at 8 Ill. Reg. 5985, effective April 23, 1984; amended at 14 Ill. Reg. 1949, effective January 19, 1990.

NOTE: Capitalization denotes statutory language. CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 45.20 Out-of-state Cattle Consignment; Permit

- a) All out-of-state cattle consigned to a marketing center shall be accompanied from point of origin by a permit

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issued by the division or by a consignment All out-of-state cattle, consigned to a marketing center shall be accompanied from point of origin by a permit issued by the division and by a consignment issued by the owner or shipper of the cattle, designating the name of the owner or shipper, place of origin, marketing center of destination, date of shipment, and number and description of cattle, and that the cattle in said consignment are free from visible evidence of any known contagious or infectious disease and that the cattle in said consignment are free from visible evidence of any known contagious or infectious disease.

- b) THIS THE CONSIGNMENT SHALL BE HELD BY THE MARKETING CENTER FOR A PERIOD OF NOT LESS THAN 6 MONTHS FOR INSPECTION BY LEGALLY AUTHORIZED OFFICIALS OF THE UNITED STATES DEPARTMENT OF AGRICULTURE AND, OR THE ILLINOIS DEPARTMENT OF AGRICULTURE AND, OR OTHER OFFICIALS HAVING POLICE POWERS. (See Section 1 of the Livestock Auction Market Law (Ill. Rev. Stat. 1987, ch. 121 1/2, par. 208) Act).

(Source: Amended at 14 Ill. Reg. 1949, effective January 19, 1990)

Section 45.150 Requirements for a Marketing Center

A marketing center shall be a licensed livestock auction market and shall comply with all requirements of the Livestock Auction Market Law (Ill. Rev. Stat. 1987 4983, ch. 121 1/2, par. 208 et seq., as amended by P.A. 86-231, effective August 15, 1989), and the rules issued pursuant thereto (8 Ill. Adm. Code 40) and United States Department of Agriculture regulations pertaining to a Specifically Approved Stockyard (9 CFR 78.25b (1989 4983)).

(Source: Amended at 14 Ill. Reg. 1949, effective January 19, 1990)

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NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Swine Brucellosis

2) Code Citation: 8 Ill. Adm. Code 100

3) Section numbers: Adopted Action:

100.10 Amended

100.30 Amended

4) Statutory Authority: Illinois Swine Brucellosis Eradication Act (Ill. Rev. Stat. 1987, ch. 8, par. 148g, 148j, 148(1), as amended by P.A. 86-231, effective August 15, 1989); Illinois Diseased Animals Act (Ill. Rev. Stat. 1987, ch. 8, par. 160).

5) Effective Date of Amendments: January 19, 1990

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: January 12, 1990

9) Notices of Proposal Published in Illinois Register:

Oct. 13, 1989, 13 Ill. Reg. 15960
(issue date)

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version:

Section 100.10, in subsections (a)(4), in line 3, and (c)(2), in line 13, changed "paragraph" to "subsection".

Section 100.10(c)(1), in line 9, added after "negative)." the following: "No swine may be tested twice in one year to comply with the 25 percent requirement nor twice in ten months to comply with the 10 percent requirement."

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were requested.

13) Will this amendment replace an emergency amendment currently in effect?
No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments:

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The amendments to this Part make the requirements for establishing and maintaining Validated Brucellosis-free swine herds identical to the requirements for Qualified Pseudorabies-negative herds. With rare exceptions, swine herds that participate in one herd plan participate in both the brucellosis and pseudorabies plans. These amendments should not add to the operating costs of the herd owner and should reduce time and expenses.

Updating federal code cites are intended to keep the cites up-to-date and will not add any additional compliance requirements.

16) Information and questions regarding this adopted amendment shall be directed to:

Name: Donna Garman

Address: Division of Administrative Services, Illinois

Department of Agriculture, Agriculture Building, State
Fairgrounds, Springfield, Illinois 62794-9281

Telephone: (217) 785-0112

The full text of Adopted Amendments begins on the next page:

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be released upon completion of one negative complete herd test; completion of two consecutive negative complete herd tests will qualify a herd for validation. (Complete herd retest for release of quarantine shall be at State expense, provided funds are available.)

c) Maintenance Requirements

1) Validated brucellosis-free herd status is maintained by subjecting all swine over 6 months of age in the herd to an official brucellosis serologic test at least once each year (this shall be accomplished by testing 25 percent of swine over 6 months of age every 80 to 105 days and finding all swine so tested negative, or by testing 10 percent of the swine over 6 months of age each month and finding all swine so tested negative). No swine may be tested twice in one year to comply with the 25 percent requirement nor twice in ten months to comply with the 10 percent requirement. If the members of the validated herd are maintained on more than one premises, 25 or 10 percent of the swine on each premises shall be retested as required. If the 25 or 10 percent retests are not conducted when due, the revalidation requirements shall then be the same as for initial validation. Herds may be revalidated annually by one of the following methods:

- A) By a negative test of all breeding swine 6 months of age and over conducted within 10 to 14 months of the last validation date.
- B) By testing a minimum of 20 percent of the breeding swine 6 months of age and over during the year under the Market Swine Testing (MST) program by either of the following OR by a combination of both:
 - i) Blood samples collected at time of slaughter by a technician at a plant where swine are routinely sampled.
 - ii) Blood samples collected by an accredited veterinarian at a farm or some other convenient location within 7 days prior to shipment of culled swine for slaughter purposes.

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6) At least one-half of the MST coverage must be obtained during the last 6 months of the validation period. Individual MST results to support this method of revalidation shall be maintained by the herd owner and be furnished to the Division when the herd is due for revalidation.

7) By a test of 25 percent of the validated herd approximately each 90 days (80-105 days) or 10 percent of the validated herd at approximately each 30 days (25-35 days). Breeding stock in the herd 6 months of age and over shall be included in the 90 or 30-day test. The same animals shall not be retested for revalidation purposes in any 12-month period.

2) Reactors: If as a result of any retest of a validated herd or animals from a validated herd:

A) One reactor is disclosed on complete herd test the entire herd is placed under quarantine and the reactor animal shall be immediately isolated from the remainder of the herd. The reactor shall be tagged in the left ear with a reactor identification tag disposed of within 15 days of report by the laboratory, a report of disposal made to the Division, and the entire herd subjected to a retest not less than 30 nor more than 90 days following test on which the reactor was revealed. A negative test will qualify the herd for release of quarantine and revalidation. (Complete herd retest for release of quarantine may be at State expense provided funds are available.)

B) More than one reactor is disclosed the herd will be considered again in the process of validation as under paragraph (b)(2) of this Section.

6) If reactors are disclosed under the MST on the 25 percent quarterly or 10 percent monthly test programs, the herd will be quarantined and the validated herd status suspended until a herd test is conducted. Such test may be at State expense, provided funds are available. The herd test should be conducted within 30 days of dis-

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closure of the reactor. A negative test will qualify the herd for release of quarantine and revaledation. If additional reactors are disclosed, the herd will be considered again in the process of validation as under subsection ~~paragraph~~ (b)(2) of this Section.

C) Additions are not recognized as a part of the validated herd until the required negative retests have been reported to the Illinois Division of Animal Industries.

d) Segregation of Feeding Animals

3) Additions to Validated Brucellosis-Free Swine Herds:

All swine brought on to the farm for feeding purposes shall be segregated from the breeding herd.

A) Native Animals:

i) Animals originating directly from a validated herd in good standing, without test (owner shall furnish proof of same to the Department), or

(Source: Amended at 14 Ill. Reg. 1953 effective January 19, 1990)

Section 100.30 Breeding Animals Consigned to Slaughter

ii) Animals from non-validated herds provided they have passed a negative test within 60 days and are held in isolation from the validated herd until passing a second negative test at least 60 days but not more than 90 days after the first test in the case of boars, or open gilts, or after farrowing in the case of bred sows and gilts.

Before being mixed with swine from any other source, all breeding animals consigned to slaughter or offered for sale for slaughter shall be identified to the herd of origin by an approved identification tag (9 CFR 78.33, 1989 1987, 52 FR 33798, effective October 8, 1987). Incorporation by reference does not include any later amendments or editions beyond the date specified. A report of such identification (9 CFR 78.33(d), 1989 as amended by 52 FR 33796, effective October 8, 1987) shall be made on forms provided by the United States Department of Agriculture and shall be submitted to the Division within 30 days of application.

B) Animals From Out-of-State: All animals from out-of-state accompanied by an approved interstate health certificate, showing compliance with Illinois entry requirements as defined in Section 4 of the Act, may be added to a validated herd, if they qualify as follows:

(Source: Amended at 14 Ill. Reg. 1953, effective January 19, 1990)

i) Animals originating directly from a validated herd in good standing, without test (owner shall furnish an official health certificate to the Department), or

ii) Animals from non-validated herds provided they have passed a negative test within 30 days prior to addition, and are held in isolation from the validated herd until passing a second negative test at least 60 days but not more than 90 days after the first test, in the case of boars and open gilts, or after farrowing in the case of bred sows and gilts.

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NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Swine Disease Control and Eradication Act
- 2) Code Citation: 8 Ill. Adm. Code 105
- 3) Section numbers: Adopted Action:
105.10 Amended
105.30 Amended
- 4) Statutory Authority: Swine Disease Control and Eradication Act (Ill. Rev. Stat. 1987, ch. 8, pars. 503, 504, 510, 511, 515, as amended by P.A. 86-231, effective August 15, 1989); Illinois Pseudorabies Control Act (Ill. Rev. Stat. 1987, ch. 8, par. 805, 807, 811, as amended by P.A. 86-231, effective August 15, 1989).
- 5) Effective Date of Amendments: January 19, 1990
- 6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? None requiring JCAR approval under Section 6.02(b) of the Illinois Administrative Procedure Act.

8) Date Filed in Agency's Principal Office: January 12, 1990

9) Notices of Proposal Published in Illinois Register:

Oct. 13, 1989, 13 Ill. Reg. 15968
(issue date)

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version: n/a

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were requested.

13) Will this amendment replace an emergency amendment currently in effect?
No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments:

Updating the statutory cite to the Feeder Swine Dealer Licensing Act, as amended, will not impose any additional compliance requirements. This Act was amended to authorize the Department to impose monetary penalties, and the reference to the public act is intend to keep statutory cites up-to-date.

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

It is illegal to feed raw garbage to swine anywhere in the United States and in keeping with recent legislative changes, we have deleted the requirement that the health certificate indicate that the swine have not been fed raw garbage.

The national pseudorabies program that has been adopted by the U.S. Animal Health Association is the Pseudorabies Eradication State-Federal-Industry Program Standards and an adoption date has been added. The criteria for classifying states as Stage IV or Stage V will not create any additional compliance requirements on swine owners.

Certain areas in adjoining states have a very high level of pseudorabies infected swine. The serological test required to permit the interstate movement of such swine will not detect early infection. Therefore, a percentage of the breeding swine must be retested and negative to an official test for pseudorabies conducted not less than 30 days nor more than 90 days after entering Illinois.

16) Information and questions regarding this adopted amendment shall be directed to:

Name: Donna Garman

Address: Division of Administrative Services, Illinois
Department of Agriculture, Agriculture Building, State
Fairgrounds, Springfield, Illinois 62794-9281

Telephone: (217) 785-0112

The full text of Adopted Amendments begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
 CHAPTER I: DEPARTMENT OF AGRICULTURE
 SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
 (EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 105

SWINE DISEASE CONTROL AND ERADICATION ACT

- Section
 105.5 Definitions
 105.10 Swine Entering Illinois for Feeding Purposes Only
 105.20 Quarantine of Imported Feeder Swine
 105.30 Swine Entering Illinois for Breeding Purposes
 105.40 Pseudorabies (Aujeszky's Disease) in Swine (Repealed)
 105.41 General Requirements for Qualified Pseudorabies Negative, Controlled Vaccinated and Feeder Swine Pseudorabies Monitored Herds (Repealed)
 105.42 Requirements for Establishing and Maintaining Qualified Pseudorabies Negative Herds (Repealed)
 105.44 Requirements for Establishing and Maintaining Pseudorabies Controlled Vaccinated Swine Herds (Repealed)
 105.46 Requirements for Establishing and Maintaining Feeder Swine Pseudorabies Monitored Herds (Repealed)
 105.50 Official Pseudorabies Test (Repealed)
 105.60 Pseudorabies Test Requirements for Intrastate Movement (Repealed)
 105.70 Pseudorabies Testing of Feeder Swine (Repealed)
 105.80 Feeder Swine (Repealed)

AUTHORITY: Implementing and authorized by the Illinois Swine Disease Control and Eradication Act (Ill. Rev. Stat. 1987, ch. 8, par. 501 et seq., as amended by P.A. 86-231, effective August 15, 1989), the Illinois Pseudorabies Control Act (Ill. Rev. Stat. 1987, ch. 8, par. 801 et seq., as amended by P.A. 86-231, effective August 15, 1989), and the Illinois Swine Brucellosis Eradication Act (Ill. Rev. Stat. 1987, ch. 8, par. 148f et seq., as amended by P.A. 86-231, effective August 15, 1989).

SOURCE: Rules and Regulations Relating to the Illinois Swine Disease Control and Eradication Act, filed February 24, 1975, effective March 6, 1975; 2 Ill. Reg. 24, p. 31, effective June 15, 1978; 2 Ill. Reg. 46, p. 10, effective November 11, 1978; 3 Ill. Reg. 33, p. 341, effective January 1, 1980; 5 Ill. Reg. 3, p. 745, effective January 2, 1981; 5 Ill. Reg. 45, p. 12100, effective October 27, 1981; codified at 5 Ill. Reg. 10461; 5 Ill. Reg. 13619, effective December 4, 1981; amended at 8 Ill. Reg. 5998, effective April 23, 1984; amended at 9 Ill. Reg. 2236, effective February 15, 1985; amended at 9 Ill. Reg. 18435, effective Novem-

DEPARTMENT OF AGRICULTURE

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ber 19, 1985; amended at 10 Ill. Reg. 9758, effective May 21, 1986; amended at 11 Ill. Reg. 10187, effective May 15, 1987; amended at 11 Ill. Reg. 10538, effective May 21, 1987; amended at 12 Ill. Reg. 3440, effective January 22, 1988; amended at 13 Ill. Reg. 3715, effective March 13, 1989; amended at 14 Ill. Reg. 1961, effective January 19, 1990.

Section 105.10 Swine Entering Illinois for Feeding Purposes Only

- a) Feeder swine may enter Illinois provided they are identified by an ear tag in the right ear showing state of origin and accompanied by a permit from the Division and an official health certificate.
- b) Official health certificate shall:
- 1) Be issued by an accredited veterinarian of the state of origin or a veterinarian in the employ of the United States Department of Agriculture;
 - 2) Be approved by the Animal Health Official of state of origin;
 - 3) Show that the feeder swine are free from visible evidence of any contagious, infectious, or communicable disease or exposure thereto;
 - 4) Show that the feeder swine have not been fed raw garbage and are not from a quarantined herd and/or area;
 - 5) List number and description of the feeder swine and ear tag series or location of ear tag records when pigs originate from cooperative feeder pig sales;
 - 6) Show that the swine originated from a herd in which a representative sample of the breeding herd has been tested and found negative for pseudorabies (8 Ill. Adm. Code 115.80).

c) Permits:

- 1) Permits to import feeder swine shall only be issued to:
- A) An Illinois licensed feeder swine dealer;

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

- B) A person importing pigs to feed on his own premises and not for resale other than to slaughterer.

- 2) Applicant for permit shall furnish the following information to the Division:

A) Name and address of Illinois destination.

B) Name and address of consignor.

C) Number of swine in shipment.

- 3) Grounds for refusal to issue a permit are:

A) Violation of the Act or any rule of this Part.

B) If a person should be licensed under the Illinois Feeder Swine Dealer Licensing Act (Ill. Rev. Stat. 1987, ch. 111, par. 201 et seq.), as amended by P.A. 86-231, effective August 15, 1989) and his or her license is not in good standing with the Department.

C) Presence of a disease which might endanger the Illinois swine industry.

(Source: Amended at 14 Ill. Reg. 1961, effective January 19, 1990)

Section 105.30 Swine Entering Illinois for Breeding Purposes

a) Swine for breeding purposes may enter Illinois provided they are accompanied by an official health certificate.

b) Official health certificate shall:

1) Be issued by an accredited veterinarian of the state of origin or by a veterinarian in the employ of the United States Department of Agriculture;

2) Be approved by the Animal Health Official of the state of origin;

3) Identify each animal by registration number, ear tag, tattoo, or ear notch approved by the respective breed registry;

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- 4) Show the swine are free from visible evidence of contagious, infectious, or communicable diseases;

- 5) Show that the swine have not been fed raw garbage and are not from a quarantined herd and/or area;

- 6) Show any swine more than 4 months of age to be negative to an official test for brucellosis, conducted by an approved laboratory within 30 days prior to entry, OR that the swine originate from a validated brucellosis-free herd, with validated herd number and validation date listed on the health certificate, OR that the swine originate from a validated brucellosis-free area (Brucellosis Eradication Uniform Methods and Rules (July 1, 1986; as approved by the United States Animal Health Association, P.O. Box 28176, Suite 205, 6924 Lakeside Avenue, Richmond, Virginia 23228-0176)). Incorporation by reference does not include any amendments or editions beyond the date specified;

- 7) Show any swine to be negative to an official test for pseudorabies conducted by an approved laboratory within 30 days prior to entry OR that the swine originated from a qualified pseudorabies negative herd, with the qualified herd number and qualification date listed on the health certificate, OR that the swine originated from a state that has been classified as Class A or Class B in accordance with the Criteria for Low-Prevalence Pseudorabies Areas (1986; National Pseudorabies Control Board, 6414 Copps Avenue, #116, Madison, Wisconsin 53716) or classified as Stage IV or Stage V under the National Pseudorabies Eradication State-Federal-Industry Program Standards (April 1989) as approved by the United States Animal Health Association (P.O. Box 28176, Suite 205, 6924 Lakeside Avenue, Richmond, Virginia 23228-0176). Incorporation by reference does not include any amendments or editions beyond the date specified. However, in the case of Class B classification, the pseudorabies program in the state shall have been in compliance with Class B standards for at least one year in order for the import testing requirement to be waived.

c) A percentage of the breeding swine shall be retested and negative to an official test for pseudorabies conducted not less than 30 days nor more than 90 days after entering.

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ing Illinois. If the number of breeding animals is 35 or less, all or at least 10 animals, whichever is less, are to be tested. If more than 36 breeding animals are involved, a minimum of 30 percent or 30 animals, whichever is less, is to be tested.

(Source: Amended at 14 Ill. Reg. 1961, effective January 19, 1990.)

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NOTICE OF ADOPTED RULES

- 1) The Heading of the Part: Economic Development Area Tax Increment Allocation Financing
- 2) Code Citation: 14 Ill. Adm. Code 525
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
525.10	New Section
525.20	New Section
525.30	New Section
525.40	New Section
525.50	New Section
525.60	New Section
525.70	New Section
525.80	New Section
- 4) Statutory Authority: Implementing the Economic Development Area Tax Increment Allocation Act (P.A. 86-38, effective July 12, 1989) and authorized by Section 46.20 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 46.20).
- 5) Effective Date of Rules: January 19, 1990
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Do these rules contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: January 19, 1990.
- 9) Notice of Proposal Published in Illinois Register: August 25, 1989; 13 Ill. Reg. 13356.
- 10) Has JCAR issued a Statement of Objections to these rules? No.
- 11) Differences between proposal and final version:

Section 525.10
In the definition of "Act", deleted the zeroes in "P.A. 86-0038".

Section 525.60(b)
This subsection has been rewritten as follows: "WHETHER THE REVENUES OF THE MUNICIPALITY AND THE AFFECTED TAXING DISTRICTS will not have a negative effect as determined by a conjoined input/output econometric forecasting model by the use of tax increment allocation financing (Section 5(b) of the Act) for example, the expected cost of public infrastructure, incentives, etc., exceed the expected cumulative tax revenue."

Section 525.80(a)

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In the first sentence, deleted "promptly" and inserted "within 10 calendar days" after "notified".

In the second sentence, inserted "approved" before "economic development project area".

Section 525.80(b)
Deleted ", and shall be filled in the Office of the Secretary of State" from the end of the first sentence.

In the second sentence, inserted "of the" after "duplicate" and replaced "in the office of recorder of deeds of the county" with "with the county clerk's office in the county".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will these rules replace emergency rules currently in effect? Yes.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Rules: This Part sets forth the Department's policies with regard to the qualifications for economic development districts, the content of an ordinance designating such a district, the content of an application for the approval and certification of an economic development district, and the Department's procedures for approving and certifying such a district.

16) Information and questions regarding these adopted rules shall be directed to:

Mr. Dennis R. Whetstone, Deputy Director
Department of Commerce and Community Affairs
Bureau of Program Administration
620 East Adams Street, 5th floor
Springfield, Illinois 62701
(217) 782-6136

The full text of the Adopted rules begins on the next page:

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED RULES

TITLE 14: COMMERCE
SUBTITLE C: ECONOMIC DEVELOPMENT
CHAPTER 1: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 525
ECONOMIC DEVELOPMENT AREA TAX INCREMENT ALLOCATION FINANCING

Section	Definitions
525.10	Purpose of Certification
525.30	Qualified Areas
525.40	Contents of Designating Ordinance
525.50	Application Requirements
525.60	Economic Impact Requirement
525.70	Certification Process
525.80	Notification Procedures

AUTHORITY: Implementing the Economic Development Area Tax Increment Allocation Act (P.A. 86-38, effective July 12, 1989) and authorized by Section 46.20 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 46.20).

SOURCE: Emergency rules adopted at 13 Ill. Reg. 13649, effective August 15, 1989, for a maximum of 150 days; adopted at 14 Ill. Reg. _____, effective January 19, 1990. 1968.

NOTE: Capitalization denotes statutory language.

Section 525.10 Definitions

"Act" means the Economic Development Area Tax Increment Allocation Act (P. A. 86-38, effective July 12, 1989).

"Ad valorem tax" means the tax based on the percentage of the value of a property subject to taxation.

"Department" means the Department of Commerce and Community Affairs.

"Full-time equivalent job" means the number of employees required to equal one full-time employee. For purposes of this definition, "employee" means a person who works a minimum of 35 hours per week for a minimum of 13 consecutive weeks to be counted toward full-time equivalency.

"Tax increment allocation financing" means an economic development financing process that captures the incremental increase in local property tax revenues from new private

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NOTICE OF ADOPTED RULES

development to pay for the public investments made to assist that development.

Section 525.20 Purpose of Certification

The purpose of certification of an economic development district by the Department is to enable a municipality to offer the development incentives required to attract or retain large scale industrial or commercial facilities in the State. Incentives available to such entities include provision of cleared land, renovation of existing buildings, essential public site improvements, job training, and payment of other economic development project costs.

Section 525.30 Qualified Areas

In accordance with Section 3(d) of the Act, an area is qualified to become an economic development project area which:

- a) IS LOCATED WITHIN OR PARTIALLY WITHOUT THE TERRITORIAL LIMITS OF A MUNICIPALITY UPON THE EXPRESS CONSENT OF THE DEPARTMENT;
- b) IS CONTIGUOUS;
- c) IS NOT LESS IN THE AGGREGATE THAN THREE HUNDRED TWENTY ACRES;
- d) IS SUITABLE FOR SITING BY ANY COMMERCIAL, MANUFACTURING, INDUSTRIAL, RESEARCH OR TRANSPORTATION ENTERPRISE OR FACILITIES, WHETHER OR NOT SUCH AREA HAS BEEN USED AT ANY TIME FOR SUCH FACILITIES AND WHETHER OR NOT THE AREA HAS BEEN USED OR IS SUITABLE FOR OTHER USES; AND
- e) HAS BEEN APPROVED AND CERTIFIED BY THE DEPARTMENT in accordance with the guidelines in the Act and this Part.

Section 525.40 Contents of Designating Ordinance

In accordance with Section 4(e) of the Act, an ordinance designating an economic development project area shall set forth:

- a) Governing body approval of the economic development plan;
- b) A finding that the proposed economic project shall create or retain not less than 2,000 full-time equivalent jobs, that private investment in an amount not less than \$100,000,000 shall occur in the economic development project area;
- c) A precise description of the area comprising the economic development project area in the form of a legal description and,

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WHERE POSSIBLE, BY STREET LOCATION and, a designation of the area as an economic development project area subject to the approval of and designation by the Department in accordance with the Act; and

- d) A provision that the ad valorem taxes, if any, arising from levies upon taxable real property in the economic development project area are to be distributed in accordance with the Act.

Section 525.50 Application Requirements

A municipality which has adopted an ordinance designating an area as an economic development project area shall submit an original and one exact copy of an application to the Department to have such economic development project area reviewed for approval and certification by the Department. The application shall contain the information and documentation specified in Section 5(a) of the Act, including the following:

- a) CERTIFIED COPIES OF ANY ORDINANCE(S) ADOPTED
 - 1) APPROVING A PROPOSED ECONOMIC DEVELOPMENT PLAN,
 - 2) ESTABLISHING AN ECONOMIC DEVELOPMENT PROJECT AREA, AND
 - 3) AUTHORIZING TAX INCREMENT ALLOCATION FINANCING;
- b) A MAP OF THE ECONOMIC DEVELOPMENT PROJECT AREA;
- c) A COPY OF THE ECONOMIC DEVELOPMENT PLAN AS APPROVED, INCLUDING
 - 1) A STATEMENT SETTING FORTH THE ECONOMIC DEVELOPMENT AND PLANNING OBJECTIVES FOR THE ECONOMIC DEVELOPMENT PROJECT AREA,
 - 2) ESTIMATED ECONOMIC DEVELOPMENT PROJECT COSTS,
 - 3) THE SOURCES OF FUNDS TO PAY SUCH COSTS,
 - 4) THE NATURE AND TERM OF ANY OBLIGATIONS TO BE ISSUED BY THE MUNICIPALITY TO PAY SUCH COSTS,
 - 5) THE MOST RECENT EQUALIZED ASSESSED VALUATION OF THE ECONOMIC DEVELOPMENT PROJECT AREA,
 - 6) AN ESTIMATE OF THE EQUALIZED ASSESSED VALUATION OF THE ECONOMIC DEVELOPMENT PROJECT AREA AFTER COMPLETION OF AN ECONOMIC DEVELOPMENT PROJECT,

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- 7) THE ESTIMATED DATE OF COMPLETION OF ANY ECONOMIC DEVELOPMENT PROJECT PROPOSED TO BE UNDERTAKEN,
- 8) A GENERAL DESCRIPTION OF ANY PROPOSED DEVELOPER, USER, OR TENANT OF ANY PROPERTY TO BE LOCATED OR IMPROVED WITHIN THE ECONOMIC DEVELOPMENT PROJECT AREA,
- 9) A DESCRIPTION OF THE TYPE, STRUCTURE AND GENERAL CHARACTER OF THE FACILITIES TO BE DEVELOPED OR IMPROVED IN THE ECONOMIC DEVELOPMENT PROJECT AREA,
- 10) A DESCRIPTION OF THE GENERAL LAND USES TO APPLY IN THE ECONOMIC DEVELOPMENT PROJECT AREA,
- 11) A DESCRIPTION OF THE TYPE, CLASS AND NUMBER OF EMPLOYEES TO BE EMPLOYED IN THE OPERATION OF THE FACILITIES TO BE DEVELOPED OR IMPROVED IN THE ECONOMIC DEVELOPMENT PROJECT AREA, AND
- 12) A COMMITMENT BY THE MUNICIPALITY TO FAIR EMPLOYMENT PRACTICES AND AN AFFIRMATIVE ACTION PLAN WITH RESPECT TO ANY ECONOMIC DEVELOPMENT PROGRAM TO BE UNDERTAKEN BY THE MUNICIPALITY;
- d) AN ANALYSIS AND ANY SUPPORTING DOCUMENTS AND STATISTICS, DEMONSTRATING THAT THE ECONOMIC DEVELOPMENT PROJECT SHALL CREATE OR RETAIN NOT LESS THAN 2,000 FULL-TIME EQUIVALENT JOBS AND THAT PRIVATE INVESTMENT IN THE AMOUNT OF NOT LESS THAN \$100,000,000 SHALL OCCUR IN THE ECONOMIC DEVELOPMENT PROJECT AREA;
- e) AN ESTIMATE OF THE ECONOMIC IMPACT OF THE ECONOMIC DEVELOPMENT PROJECT AND THE USE OF TAX INCREMENT ALLOCATION FINANCING UPON THE REVENUES OF THE MUNICIPALITY AND THE AFFECTED TAXING DISTRICTS;
- f) A RECORD OF ALL PUBLIC HEARINGS HAD IN CONNECTION WITH THE ESTABLISHMENT OF THE ECONOMIC DEVELOPMENT PROJECT AREA; AND
- g) A copy of any agreement(s) authorizing the payment or reimbursement by the municipality of private financing costs.

Section 525.60 Economic Impact Requirement

In determining whether an economic development project shall be approved and certified, the Department shall consider:

- a) WHETHER, WITHOUT PUBLIC INTERVENTION, THE STATE WOULD SUFFER SUBSTANTIAL ECONOMIC DISLOCATION (resulting in the direct loss of

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- b) WHETHER THE REVENUES OF THE MUNICIPALITY AND THE AFFECTED TAXING DISTRICTS will not have a negative effect as determined by a conjoined input/output econometric forecasting model by the use of tax increment allocation financing (Section 5(b) of the Act) for example, the expected cost of public infrastructure, incentives, etc., exceed the expected cumulative tax revenue.

Section 525.70 Certification Process

Approval of locally designated Economic Development Project Areas shall be made by the Department by certification of the designating ordinance adopted by a municipality if the Department determines:

- a) The economic development project area meets the qualifications of Section 525.30 of this Part.
- b) The ordinance designating the economic development project area sets forth the items listed in Section 525.40 of this Part.
- c) The application contains complete information required by Section 525.50 of this Part.
- d) The Department has made affirmative determinations as required by Section 525.60 of this Part.

Section 525.80 Notification Procedures

- a) Applicants shall be notified within 10 calendar days of the approval or disapproval of applications for certification. The Department shall promptly issue a certificate for each approved economic development project area within 10 calendar days of receipt of such application by the Department.
- b) The certificate shall be signed by the Director of the Department, shall make specific reference to the designating ordinance, which shall be attached thereto. A certified copy of the Economic Development Project Area Certificate, or a duplicate of the original thereof, shall be recorded with the county clerk's office in the county in which the economic development project area is located.
- c) An economic development project area shall be effective upon its certification. Upon certification of an economic development project area, the terms and provisions of the designating

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ordinance shall be in effect. An economic development project area shall be in effect for the duration of the term set forth in the designating ordinance of the municipality.

- d) In the event that the Department disapproves an application for certification, it shall specify in writing the reasons for disapproval and shall allow the applicant 15 calendar days to amend and resubmit the application. Resubmitted applications shall be approved or disapproved within 10 calendar days of receipt. Applicants may appeal any negative final determination of the Department in accordance with 47 Ill. Adm. Code 10 (Review and Appeal Procedures).

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NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Training Services for the Disadvantaged
- 2) Code Citation: 56 Ill. Adm. Code 2610
- 3) Section Numbers: Adopted Action:
2610.60 Amendment
2610.Appendix A New Section
- 4) Statutory Authority: Implementing Section 121(b)(1) of the Job Training Partnership Act (P.L. 97-300, effective October 13, 1982, as amended by P.L. 97-404, effective December 31, 1982; P.L. 99-496, effective October 16, 1986; P.L. 99-570, effective October 27, 1986; and P.L. 100-418, effective August 23, 1988) and 20 CFR 627.2.
- 5) Effective Date of Amendments: January 18, 1990
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Do these amendments contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: January 16, 1990.
- 9) Notice of Proposal Published in Illinois Register: April 14, 1989; 13 Ill. Reg. 5017.
- 10) Has JCARR issued a Statement of Objections to these amendments? No.
- 11) Differences between proposal and final version:
In the table of contents the blank line between the last Section and Appendix A has been deleted.
Section 2610.60(b)(1)
Added the following language in the first sentence after "educational community": "(such as community colleges, regional delivery systems, area career centers)".
In the second sentence inserted "(Section 124 of the Act)" after "3% Older Individuals Programs".
Section 2610.60(c)(1)(B)
In the third line deleted "major".
Section 2610.60(c)(2)(C)
Inserted "(such as dropouts, women, Blacks, Hispanics, welfare recipients, individuals 55 and older, and the handicapped)".
Section 2610.60(c)(4)(A)

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Replaced "OUT enrollments" with "enrollments of common clients in on-the-job training".

Section 2610.60(c)(4)(C).

In the third sentence, inserted "of" after "determination".

Section 2610.60(d)(1)(B)

Deleted "major" in the first sentence.

Section 2610.60(e)(1)(B)

In the first sentence, deleted "major".

In the second sentence, changed "academic CRT" to "academic classroom training"; changed "vocational CRT" to "vocational classroom training"; and inserted "(56 Ill. Adm. Code 2600.20)" after "youth competencies".

Section 2610.60(e)(1)(D)

In the first sentence, inserted "(Sections 251-255 of the Act)" after "Title II-B".

Section 2610.60(f)(1)(H)

In the first sentence, inserted "(see 14 Ill. Adm. Code 520.600)" after "(JTTC)".

Section 2610.60(f)(2)(E)

Replaced "Where a Wagner-Peyser 7(b) program" with "Where a program authorized under Section 7(b) of the Wagner-Peyser Act (29 U.S.C.A. 49f(b))".

Section 2610.60(f)(3)(A)

Added "from IDES's computerized systems" after "information".

Section 2610.60(f)(3)(A)(ii)

After "ES-202" inserted "which lists all employers in Illinois".

Section 2610.60(f)(3)(B)

Rewritten as follows: "Upon request by IDES, SDAs will provide IDES with the following information on programs:".

Section 2610.60(f)(3)(C)

Replaced "advise" with "inform".

Section 2610.60(g)(1)(B)

In the first sentence, deleted "major" and in the second sentence inserted "Sections 201-205 of the Act" after "Title II-A".

Section 2610.60(h)(1)(B)

Deleted the word "major".

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Section 2610.60(i)

In the ninth line, deleted "strict standards of".

In the twelfth line, replaced "all laws on confidentiality" with "the provisions of Section 7 of the Freedom of Information Act (Ill. Rev. Stat. 1987, ch. 116, par. 207)".

Section 2610.60(i)(1)

In the first sentence, inserted "(56 Ill. Adm. Code 2640)" after "Displaced Homemaker Program".

Section 2610.60(i)(1)(C)(i)

Changed to read: "Title VI of the Civil Rights Act of 1964 as amended (42 U.S.C.2000e et seq.)".

Section 2610.60(i)(1)(C)(iii)

All terms have been placed in the lower case and the cite "(56 Ill. Adm. Code 2610.120)" has been added after "practices".

Section 2610.60(i)(2)(A)

Deleted "strict standards of" from the third sentence.

Section 2610.60(i)(2)(C)(iii)

All terms have been placed in the lower case and the cite "(56 Ill. Adm. Code 2610.120)" has been added after "practices".

Section 2610.Appendix A

In the second paragraph of "Confidentiality of Clients" all terms have been placed in lower case.

In paragraph 4 under "Failure to Comply with Coordination Agreement Terms Service Delivery Areas", the term "LEOs" has been replaced with "Local Elected Officials (LEOs)".

In Section 1 of "Failure to Comply with Coordination Agreement Terms State Agencies", replaced "should" with "will".

The Section source note has been changed to read: "(Source: Section repealed at 12 Ill. Reg. 4128, effective February 8, 1988; new Section adopted at 14 Ill. Reg. _____, effective _____)".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will these amendments replace an emergency amendment currently in effect? No.

14) Are there any amendments pending on this Part? No.

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- 15) Summary and Purpose of Amendments: The department is adopting amendments to incorporate revisions to the State's criteria for coordinating activities under the Job Training Partnership Act. The Coordination Criteria for PY'88-'89 reflects the former coordination criteria but is revised and updated utilizing the approved PY'88 Governor's Goals and Objectives and input from service delivery area administrative entities, state agency staff, Illinois Job Training Coordinating Council members and staff. The new PY'88-'89 Coordination Criteria eliminates the requirement for SDAs to develop a supportive service provider inventory matrix and the inventory of all training related services. Also eliminated is the requirement to negotiate a "standard" coordination agreement with all required agencies. The designation of interagency liaisons for coordination purposes, administrative provisions and confidentiality requirements will also be standard to each agreement. Each agreement will also be required to have procedures which may be followed to resolve allegations of non-compliance with the terms of the coordination agreement as part of the agreement. This Coordination Criteria also includes a model Coordination Agreement (found in Section 2610. Appendix A) and model Memorandums of Understanding for local agencies and SDAs to use as guidance. General instructions and a checklist that will be used to certify the two-year local job training plans are also provided to assist negotiators in agreement development.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Mr. Dennis R. Whetstone, Deputy Director
Department of Commerce and Community Affairs
Bureau of Program Administration
620 East Adams Street, 5th floor
Springfield, Illinois 62701
(217) 782-6136

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER III: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 2610
TRAINING SERVICES FOR THE DISADVANTAGED

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AUTHORITY: Implementing Sections 46.41 and 46.49 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, pars. 46.41 and 46.49) and the Job Training Partnership Act (P.L. 97-300, effective October 13, 1982, as amended by P.L. 97-404, effective December 31, 1982; P.L. 99-496, effective October 16, 1986; P.L. 99-570, effective October 27, 1986; and P.L. 100-418, effective August 23, 1988) and authorized by Section 46.40(b) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 46.40(b)).

SOURCE: Adopted at 8 Ill. Reg. 17819, effective September 14, 1984; amended at 9 Ill. Reg. 6119, effective April 19, 1985; amended at 9 Ill. Reg. 13072, effective August 12, 1985; amended at 10 Ill. Reg. 4816, effective March 11, 1986; emergency amendments at 10 Ill. Reg. 12780, effective July 10, 1986 for a maximum of 150 days; amended at 11 Ill. Reg. 2738, effective January 26, 1987; amended at 11 Ill. Reg. 11954, effective July 7, 1987; amended at 12 Ill. Reg. 4128, effective February 8, 1988; amended at 13 Ill. Reg. 14875, effective September 6, 1989; amended at 14 Ill. Reg. 1976, effective January 18, 1990.

Section 2610.60 Coordination Criteria

a)-----Establishment of -Coordination -Criteria -- -in -accordance -with

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Section 121(b)(1) of the Act; the Governor, in conjunction with the IDREC, has established the criteria in subsection (c) for coordinating JTPA activities. The criteria shall apply for coordinating activities under the Act (including Title III) with, at minimum, the following:

- 1) programs and services provided by state and local education and training agencies (including vocational education agencies);
- 2) public assistance agencies;
- 3) the employment service;
- 4) rehabilitation agencies;
- 5) post-secondary institutions;
- 6) economic development agencies; and
- 7) such other agencies as the Governor determines to have a direct interest in employment and training and human resource utilization within the state.

b) Coordination Agreements

1) Entities which administer JTPA funds shall negotiate written coordination agreements with the following five State agencies: the Illinois Departments of Children and Family Services; Rehabilitation Services; Public Aid; Employment Security (BES); and Corrections, at a minimum. Entities which administer JTPA funds and which also directly administer 30 Older Individuals Programs must have written coordination agreements with their respective Area Agencies on Aging.

2) Title III dislocated worker program operators shall be required to have formal coordination agreements with all entities which administer JTPA funds in their geographic service areas. In addition, Title III dislocated worker program grantees shall negotiate written coordination agreements with the Department of Employment Security (BES) and other coordinating social service agencies to supplement limited participant support funds and to avoid duplication of effort. The written coordination agreements developed by the Title III dislocated worker program grantee and BES may be financial, nonfinancial or a combination of both.

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3) SBA planning entities shall maintain current copies of all coordination agreements and make copies available to the Department upon request.

c) Coordination Criteria

- 1) Each coordination agreement shall address the following topical areas:
 - A) Program Information--Exchange-----The coordinating agencies shall establish a program information exchange system. The program information exchange system shall include the following:
 - i) designation of staff (names and positions) responsible for interagency coordination;
 - ii) if different, designation of liaisons (names and positions) to effect interagency exchange of program information;
 - iii) the development or updating of an inventory of all training-related services in the SBA to help assess the service delivery system;
 - iv) the identification of program information to be routinely exchanged between agencies;
 - v) the frequency in which such exchange will occur; and
 - vi) the manner in which information will be shared, to minimally include quarterly meetings of designated staff.
- B) Joint Planning -- The coordinating agencies shall jointly plan JTPA services for mutual clients in the SBA. The process established to facilitate joint planning of JTPA services shall be described in the agreement and will include, at minimum:
 - i) designation of the planning entity for the SBA;
 - ii) mechanisms to ensure that prior notification of planning sessions, where services to mutually served clients shall be discussed, is afforded to the coordinating agency staff;
 - iii) documentation to be maintained that will

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substantiate participation in planning JGPA services for mutual clients in the SBA; and

iv) the results of consideration for a minimum number of clients to be referred by the state agency to a local entity administering a JGPA program shall be recorded in the coordination agreement;

e) Coordination and Integration and Nonduplication of Supportive Services -- The coordinating agents shall determine how all supportive services identified in accordance with Section 2610-50(g) will be coordinated and integrated to ensure nonduplication and shall establish systems and procedures to provide for accountability. To facilitate coordination, integration and nonduplication of supportive services, the coordination agreement shall include the following information:

i) an inventory of supportive service providers in the SBA through the utilization of a format described by the Department;

ii) a listing of all supportive services available to mutual clients by the respective parties to the agreement;

iii) a description of the process to be used to determine the most appropriate provider of supportive services from among those available based upon predetermined criteria such as availability (e.g., the participant's access to services), the needs of the individual participants, reasonable cost, and federal/state laws, policies and regulations which are applicable to the specific coordinating agent; and

iv) a description of the systems or procedures that will be used to update the supportive service provider inventory on, at a minimum, an annual basis.

B) Referral Procedures -- The coordinating agents shall establish reciprocal participant referral procedures for agencies serving the same client groups. The reciprocal referral procedures shall be designed to address local needs and shall include the following

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information:

i) a description of how referrals will be made;

ii) a mechanism which provides information related to client eligibility, services provided or to be provided to the client, and the name of staff making the referrals;

iii) a description of the referral tracking method which includes a listing of the information to be fed back to the SBA by the coordinating agency and identification of, at minimum, the results to be returned to the coordinating agency by the SBA (i.e., identification of incomplete client applications, clients enrolled and date of enrollment, client applications accepted for placement in applicant pool, and clients determined ineligible for JGPA); and

iv) if manual tracking system is adopted, the referral form(s) to be used.

E) Report and Record Sharing -- The coordinating agents shall provide for aggregate report and participant record sharing between local offices serving the same client groups and will ensure that Section 7 of the Freedom of Information Act (Ill. Rev. Stat. 1985, ch. 116, pars. 201 et seq.) is upheld. The mechanisms established for routine aggregate reports and participant record sharing shall include:

i) identification of aggregate reports and participant records that will be shared on a regular basis including but not limited to MIS reports, reports of program outcomes, program status certification and performance results, etc.;

ii) a description of the procedures to be followed in exchanging routine aggregate reports and participant record sharing which specifies the frequency of such exchange of information;

iii) an explanation of the methods to be used for obtaining the release of information on participants;

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iv)---a--listing--of--those--agencies--with--which--information--will--be--exchanged;--and

v)---the--measures--which--will--be--taken--to--ensure--Section--7--of--the--Freedom--of--Information--Act--(III--Rev--Stat--1985--ch--116--Pars--201--et--seq.)--is--upheld;

2)-----Coordination--agreements--with--the--Department--of--Employment--Security--shall--serve--as--the--local--component--plan--required--by--JTPA--amendments--to--the--Wagner-Peyser--Act--(29--U.S.C--49g).--Procedures--outlined--in--the--Wagner-Peyser--amendments--shall--be--followed--to--develop--coordination--agreements--with--the--Department--of--Employment--Security.---The--Department--shall--utilize--the--same--procedures--outlined--in--the--Wagner-Peyser--amendments--to--review--BES--coordination--agreements.---In--addition--to--topical--areas--described--in--Section--2610-60(e)(2)--of--this--part,--the--agreements--with--the--Department--of--Employment--Security--must--address--the--following:

A)-----joint--planning--with--BES--must--involve--the--Chief--Elected--Official(s)--and--the--Private--Industry--Council--or--their--formally--designated--representative(s);

B)-----the--development--and--implementation--of--an--assessment--strategy--which--shall--minimally:

i)-----determine--the--kinds--of--employment----related--services--needed--to--promote--job--placement--of--BES--and--SDA--client--groups;

ii)-----identify--the--resources--currently--available--from--all--public--and--private--sources--in--the--SDA--for--employment--and--job--placement--related--services;--and

iii)---determine--the--most--effective--method(s)--of--delivering--these--services;

C)-----the--design--of--a--reciprocal--strategy--to--provide--employment--services--either--with--coordinating--agents--or--in--cooperation--with--other--public--and--private--agencies;--at--no--cost--or--for--a--fee,--which--takes--into--consideration--proposals--developed--by--the--Private--Industry--Council--and--chief--elected--official(s)--and--which--includes--the--definition--of--the--respective--target--groups--to--be--served;

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B)-----a--plan--of--action--to--ensure--that--services--not--offered--by--BES--or--the--SDA--which--are--determined,--through--the--assessment,--as--being--necessary--to--promote--job--placement,--are--provided--if--available--in--the--area;

E)-----a--mechanism--for--sharing--service--delivery--information--between--BES,--the--SDA--and--other--agencies--which--provide--employment--services--in--the--area;--and

F)-----in--the--event--that--the--Private--Industry--Council--and--chief--elected--official(s)--cannot--reach--agreement--with--BES,--specific--areas--in--which--agreement--failed--to--be--reached,--including--proposed--modifications--which--were--recommended--by--the--Private--Industry--Council--and--the--chief--elected--official(s),--must--be--presented--if--the--Private--Industry--Council--and--chief--elected--official(s)---delegate---the---responsibility---of--negotiating--an--agreement--with--BES,--a--signed--letter--naming--their--representative--in--such--negotiations--must--accompany--the--coordination--agreement;

3)-----The--following--procedures--will--be--used--to--approve--the--agreement--between--BES--and--the--coordinating--agents:

A)-----such--plans--shall--be--transmitted--to--the--IGVEC--which--shall--certify--such--plans--if--it--determines--that--the--components--of--such--plans--have--been--jointly--agreed--to--by--the--employment--service--and--appropriate--private--industry--council--and--chief--elected--official--or--officials--and--that--such--plans--are--consistent--with--the--Governor's--Coordination--and--Special--Services--Plan--under--the--Job--Training--Partnership--Act;

B)-----if--the--IGVEC--does--not--certify--that--such--plans--meet--the--requirements--of--subsection--(c)(3)(A),--such--plans--shall--be--returned--to--the--employment--service--for--a--period--of--thirty--days--for--it--to--consider,--jointly--with--the--appropriate--private--industry--council--and--chief--elected--official--or--officials,--the--council's--recommendations--for--modifying--such--plans;--and

C)-----if--the--employment--service--and--the--appropriate--private--industry--council--and--the--chief--elected--official--or--officials--fail--to--reach--agreement--upon--such--components--of--such--plans--to--be--submitted--finally--to--the--Secretary,--such--plans--submitted--by--the--Department--shall--be--accompanied--by--such--proposed--modifications--as--may--be--recommended--by--any--appropriate--disagreeing--private--industry--council--and--chief--elected--official

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or officials affected, and the IDPCC shall transmit to the Secretary its recommendations for resolution thereof.

4) The Department, on behalf of the Governor, will review proposed modifications to the BES coordination agreement based on the criteria of subsections (c)(2) and (3) and will, upon approval, transmit such modifications to the Secretary of Labor.

5) Local job training plans shall include a description of other coordination efforts initiated at the local level.

6) Unless the title IIA administrative entity also functions as title III dislocated worker program grantee, title III dislocated worker program grantees must include a coordination agreement with title IIA entity in its grant application to the Department.

a) Establishment of Coordination Criteria - In accordance with Section 121(b)(1) of the Act, the Governor, in conjunction with the Illinois Job Training Coordinating Council (IJTCC), has established coordination criteria in subsection (b) for coordinating JTPA activities. The criteria shall apply for coordinating activities under the Act (including title III) with, at minimum, the following:

- 1) programs and services provided by state and local education and training agencies (including vocational education agencies);
- 2) public assistance agencies;
- 3) the employment service;
- 4) rehabilitation agencies;
- 5) post-secondary institutions;
- 6) economic development agencies; and
- 7) such other agencies as the Governor determines to have a direct interest in employment and training and human resource utilization within the state.

b) Coordination Agreement Criteria

- 1) Entities which administer JTPA funds shall negotiate written coordination agreements with, at minimum, the

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Illinois Departments of Rehabilitation Services, Public Aid, Employment Security, Corrections, and the educational community (such as community colleges, regional delivery systems, area career centers). Entities which administer JTPA funds and which also directly administer 3% Older Individuals Programs (Section 124 of the Act) must have written coordination agreements with their respective Area Agencies on Aging.

2) Title III dislocated worker program operators shall be required to have formal coordination agreements with all entities which administer JTPA funds in their geographic service areas. In addition, title III dislocated worker program grantees shall negotiate written coordination agreements with the Illinois Department of Employment Security and other coordinating social service agencies to supplement limited participant support funds and to avoid duplication of effort. The written coordination agreements developed by the Title III dislocated worker program grantee and the Illinois Department of Employment Security may be financial, nonfinancial or a combination of both.

3) SDA planning entities shall maintain current copies of all coordination agreements and make copies available to the Department upon request. Each coordination agreement shall contain the standard pages found in Appendix A of this Part.

4) The Illinois Displaced Homemakers Program and the Illinois Department of Children and Family Services shall negotiate written Memorandums of Understanding with JTPA SDAs.

c) Illinois Department of Public Aid (IDPA) Coordination Agreement - The IDPA and the JTPA SDAs shall establish a coordination agreement addressing specific requirements within the following topical areas:

- 1) Joint Planning - The coordinating agencies shall participate in joint planning activities which must be described in the agreement.
 - A) The joint planning of activities will be facilitated through the requirement for coordinating agencies to hold, at minimum, quarterly meetings to discuss the coordination agreement and any other matters pertinent locally.
 - i) The quarterly meetings must be based on a pre-established agenda, which includes, but is

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not limited to, the topics of program information exchange, services to common clients, the referral process and joint planning.

ii) At least one of the quarterly meetings must be used as a local strategic planning session where information concerning such items as occupational and labor market information, demographic information, services available from various vendors in the areas, and linkages among service providers, at minimum, are discussed.

iii) One of the quarterly meetings must be held during the development stage of the two-year local job training plan.

iv) A summary of the discussions at each quarterly meeting and an identification of any issues determined necessary to be resolved at the state level must be developed and forwarded within two weeks of the meeting date to the IJTC staff who will inform the council and the IDPA Director of the issues.

B) As part of the joint planning activities, JTPA entities will share the contents of the two-year local job training plan and subsequent modifications involving changes in either available programs or participants to be served with the coordinating agent. IDPA will be given the opportunity to review and comment upon the plan as it relates to services to public aid recipients.

C) The Request for Proposal (RFP) for Project Chance job placement contracts will require proposers to document coordination with the SDA as part of their proposal to assure that services to be provided do not duplicate existing services.

2) Referral Procedures - The coordinating agencies shall establish reciprocal participant referral procedures for agencies serving the same client groups. The reciprocal referral procedures shall be designed to address local needs and shall include the following information:

A) When IDPA/Project Chance staff identify a client who is in need of and can benefit from JTPA services, the

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client will be provided a Project Chance written referral with the address and phone number of the JTPA office and directed to apply there. Clients will also be advised to take their medical card (DPA 469) or Notice of Food Stamp Certification (DPA 360A) and their Social Security Cards with them to the JTPA office. The DPA 469 or the DPA 360A will be the primary means of verifying eligibility of public aid recipients.

B) When JTPA staff identify eligible public aid recipients who are in need of and can benefit from IDPA Project Chance support services, they will refer the client in writing to the Project Chance office to obtain these services. The Project Chance office will determine the allowable support services and forward confirmation of such to the JTPA office.

C) A description of the means used to communicate, at a minimum, the needs of JTPA for specific substantial segment groups (such as dropouts, women, Blacks, Hispanics, welfare recipients, individuals 55 and older, and the handicapped), individuals with particular skills or academic achievement levels to IDPA for targeted referrals of public assistance recipients when possible.

D) The number of Project Chance participants to be referred by IDPA to JTPA.

E) The DPA 1504 form, "JTPA Request for Status Verification and Notice of Program Participation" or an agreed upon form shall be used by JTPA to elicit the client's signature for confidentiality statement and for other purposes determined in local negotiations.

3) Program Information Exchange - The coordinating agencies shall establish a program information exchange system and make such adjustments as necessary to strengthen communication at the local level.

A) Minimally, information on the following topics will be exchanged to maintain accuracy and mutual understanding of the programs for which the coordinating agencies are responsible:

i) Program descriptions;

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- ii) Program/services eligibility requirements;
- iii) Funding source and amount available to support activities;
- iv) Timelines; and,
- v) Availability of support services.

B) All contact regarding training, job placement and supportive services for public aid clients which is initiated by the JTPA system to IDPA will be through local Project Chance staff. IDPA will provide SDAs with a directory of Project Chance staff.

4) Services to Common Clients - The coordination agreement shall specify how JTPA and IDPA will coordinate in providing services to common clients. JTPA and IDPA will minimally reach agreement on the following issues with respect to providing services to common clients:

A) A reporting schedule and method for JTPA to provide Project Chance Specialists with the following information regarding public aid clients: who is enrolled, including public aid recipients who were not referred by IDPA; the current status of those who were enrolled but have dropped out of JTPA training; and any job placements, including enrollments of common clients in on-the-job training.

B) Upon request, Project Chance will provide the SDA information with respect to a public aid recipient's former work history and previous participation in training programs or current obligations under Project Chance.

C) JTPA staff, during application/assessment, will ask IDPA clients, who were not referred by Project Chance, if they are mandatory Project Chance participants. JTPA staff will determine the appropriateness of training or job search programs for each public aid client enrolled. JTPA determinations are final. In the event that Project Chance staff do not agree with the determination of the JTPA office, they may request that the Administrator of the Division of Employment and Social Services of IDPA disapprove participation in JTPA.

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D) Supportive services necessitated by a public aid recipient's participation in JTPA programs which are available from IDPA will be issued by the Project Chance staff.

d) Illinois Department of Rehabilitation Services (IDORS) Coordination Agreement - The IDORS and JTPA SDAs shall establish a coordination agreement addressing specific requirements within the following topical areas:

1) Joint Planning - The coordinating agencies shall jointly plan JTPA services for mutual clients in the SDA:

A) The joint planning of activities will be facilitated through the requirement for coordinating agents to hold, at minimum, quarterly meetings to discuss the coordination agreement and any other matters pertinent locally.

i) The quarterly meetings must be based upon a pre-established agenda which includes, but is not limited to, the topics of program information exchange, referral process including a discussion of progress made by the SDA in meeting substantial segments service level for the handicapped, joint planning and other local concerns;

ii) At least one of the quarterly meetings must be used as a local strategic planning session where information concerning such items as occupational and labor market information, demographic information, services available from various vendors in the area and linkages among service providers, at minimum, are discussed;

iii) A summary of the discussion taking place as well as an identification of any issues which are determined necessary to be resolved at the state level must be developed and forwarded to the IJTCC within two weeks following the meeting date.

B) As part of the joint planning activities, JTPA entities will share the contents of the two-year local job training plan and subsequent modifications involving changes in either available program or participants to be served with the coordinating

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agency. IDORS will have the opportunity to review and comment upon such planned information as it relates to services to the handicapped.

- 2) Referral Procedures - The coordinating agencies shall establish reciprocal participant referral procedures for agencies serving the same client groups. The reciprocal referral procedures shall be designed to address local needs and shall include the following information:

- A) A description of how and under what circumstances, referrals will be made from JTPA to IDORS.
- B) A description of how referrals will be made from IDORS to JTPA identifying any services which are provided or will be provided to the client from IDORS, and the name of the staff making the referral.
- C) A description of the methods utilized to track the outcome of referrals from IDORS to JTPA.
- D) A description of the methods utilized to communicate JTPA needs regarding specific substantial segment groups, individuals with particular skills or academic achievement levels, at a minimum, to IDORS for targeted referrals of the handicapped.
- E) The number of handicapped to be referred by IDORS to JTPA.

- 3) Program Information Exchange - The coordinating agencies shall establish a program information exchange system and make such adjustments as necessary to strengthen communications at the local level. Information on the following topics will be exchanged to maintain accuracy and mutual understanding of the programs for which the coordinating agencies are responsible, at minimum:

- A) Program descriptions;
- B) Program/services eligibility requirements;
- C) Funding source and amount available to support activities;
- D) Timelines; and,
- E) Availability of support services.

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- e) The educational community and JTPA SDAs shall establish a coordination agreement(s) addressing specific requirements within the following topical areas:

- 1) Joint Planning - The coordinating agencies shall jointly plan JTPA services for mutual clients in the SDA.

- A) The joint planning of activities will be facilitated through the requirement for coordinating agencies to hold, at minimum, quarterly meetings to discuss the coordination agreement and any other matters pertinent locally.

- i) The quarterly meetings must be based on a pre-established agenda which includes, but is not limited to, a discussion of program information exchange, joint planning and other local concerns;

- ii) At least one of the quarterly meetings must be used as a local strategic planning session where information concerning such items as occupational and labor market information, demographic information, services available from various vendors in the area and linkages among service providers, at minimum, are discussed;

- iii) A summary of the discussions taking place as well as an identification of any issues are determined necessary to be resolved at the state level which must be forwarded to the IJTCC within two weeks following the meeting date.

- B) As part of the joint planning activities, SDAs will share the contents of the two-year local job training plan and subsequent modifications involving changes in either available programs or participants to be served with the coordinating agency. Educational agencies will have the opportunity to review and comment on such planned information, particularly in such areas as academic classroom training, vocational classroom training, youth programming, youth competencies (56 Ill. Adm. Code 2600.20), and occupational and labor market information.

- C) JTPA will have the opportunity to review and comment on local vocational education plans with emphasis on

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areas described in subsection (e)(1)(B) as well as any populations targeted for special services in the plans/modifications.

D) JTPA and local educational agencies will discuss requirements in Title II-B (Sections 251-255 of the Act) that all participants must have reading and math skills assessed to identify need for remediation. The intent of these discussions is to explore the development and implementation of any linkages between JTPA and education to avoid duplication among these activities.

E) JTPA and educational agencies will examine under what circumstances youth shall be able to obtain academic credit for participation in JTPA programs.

2) Program Information Exchange - The coordinating agencies shall establish a program information exchange system and make such arrangements as are necessary to strengthen communication at the local level.

A) Information on the following topics will be exchanged to maintain accuracy and mutual understanding of the programs for which the coordinating agencies are responsible:

- i) Program descriptions;
- ii) Program/services eligibility requirements;
- iii) Funding source/amount available to support activities;
- iv) Timelines; and,
- v) Availability of support services.

B) A narrative description or a flow chart of the process used to exchange program information, including the dissemination of JTPA information among different entities in the local education community to affect coordination.

C) The means by which educational agencies can access Private Industry Council's for purposes of enhancing its understanding of vocational education programs and services and identifying ways in which JTPA and vocational education can better complement each

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other.

D) The means by which the JTPA system can access the vocational education advisory structure for purposes of enhancing its understanding of JTPA.

f) The Illinois Department of Employment Security (IDES) Coordination Agreement - The IDES and JTPA SDAs shall establish a coordination agreement. This coordination agreement shall serve as the local component plan required by JTPA amendments to the Wagner-Peyser Act (29 U.S.C. 49g). The coordination agreement will address specific requirements within the following topical areas:

1) Joint Planning - The coordinating agencies shall jointly plan JTPA services for mutual clients in the SDA.

A) The joint planning activities will be facilitated through the requirement for coordinating agencies to hold, at minimum, quarterly meetings to discuss the coordination agreement and any other matters pertinent locally.

i) The quarterly meetings must be based on a pre-established agenda which includes, but is not limited to, the topics of program information exchange, referral process, joint planning and other local concerns.

ii) At least one quarterly meeting must be used as a local strategic planning session where information concerning such items as occupational and labor market information, demographic information, services available from various vendors in the area, and linkages among service providers, at minimum, are discussed.

iii) A summary of the discussions taking place as well as an identification of any issues which are determined necessary to be resolved at the state level must be developed and forwarded to the IJTCC within two weeks following the meeting date.

B) As part of the joint planning activities, JTPA entities will share the contents of the two-year local job training plan and subsequent modifications involving changes in either available programs or

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participants to be served by the coordinating agency.

- C) IDES Plans of Service, including those developed by local employment security offices, shall be made available to SDAs at any time, upon request, for educational and informational purposes to facilitate joint planning.

- D) The SDA's and their subcontractors will routinely provide IDES with a list of PIC approved classroom training programs and other special courses being offered by the SDA, 30-45 days prior to the beginning of a course, to allow for referrals of clients to JTPA for training. IDES shall be notified when classes are filled so referrals to those classes will be discontinued.

- E) SDAs will indicate in the agreement whether they will participate in the Job Order Access component of the Employ Illinois initiative of IDES involving automated listings of all job orders, e.g., training classes, OJTs and unsubsidized job placements, and describe specifically how coordination, job development and employer contacts will occur.

- F) For those SDAs participating in the Job Order Access Component of the Employ Illinois initiative, IDES will provide for placement of 10% of the referrals from the SDA unless the Coordination Agreement reflects a higher percentage that is negotiated locally.

- G) IDES and SDA staff involved in employer contacts and job development will be cross-trained in each other's programs, services, eligibility constraints and all other pertinent information.

- H) SDAs desiring to participate will indicate linkages which will enable them to provide Targeted Jobs Tax Credit (TJTC) (see 14 Ill. Adm. Code 520.600) vouchers services for participants including the identification of any not-for-profit subcontractors who are approved by IDES to also participate. SDAs not desiring to participate in TJTC vouchering will so note in their agreements.

- 2) Referral Arrangements - The coordinating agencies shall establish reciprocal participant referral procedures for

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agencies serving the same client groups. IDES will promptly refer all JTPA eligible clients in need of employment and training services. The SDA will state the number of referrals expected from the IDES local office in the agreement. The reciprocal referral procedures shall be designed to address local needs and shall include the following:

- A) IDES will promptly refer all JTPA eligible clients in need of employment and training services to the SDA. The SDA will state the number of referrals expected from the IDES local office in the agreement.

- B) The SDA and IDES will locally determine the procedures to expeditiously provide necessary feedback to IDES on the status/outcome of all referrals, including, but not limited to, mechanisms for information exchange, frequency of information exchange and timeframes for SDA response.

- C) The coordinating agencies will similarly determine locally how the SDA will be provided feedback on individuals referred to IDES for placement including, but not limited to, mechanisms for information exchange, frequency of information exchange and timeframes for SDA response.

- D) The methodology and target populations for reciprocal referrals must be specified in the agreement between the SDA and local IDES office(s).

- E) Where a program authorized under Section 7(b) of the Wagner-Peyser Act (29 U.S.C.A. 49f(b)) is in place, IDES, Illinois Department of Children and Family Services (IDCFS), and the SDA will discuss local implementation and tracking of the IDES/IDCFS arrangement whereby IDES performs Wagner-Peyser activities on behalf of referrals from IDCFS.

- F) Training will be provided locally to SDA and IDES staff involved in referral arrangements.

- G) SDA job orders will only receive JTPA eligible referrals from IDES until such time that the SDA releases the order to allow for other referrals.

- H) All necessary information will be promptly shared when either entity makes a placement.

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3) Program Information Exchange - The coordinating agencies shall establish a program information exchange system and make such adjustments as necessary to strengthen communication at the local level.

A) IDES will provide SDAs through the Department, the following information from IDES's computerized systems:

i) Selected data from the Permanent Mass Layoff and Plant Closing System.

ii) Selected data from the ES-202 which lists all employers in Illinois.

iii) Data on new employers who become covered under the Unemployment Insurance Act.

iv) Data elements from the Benefit Information System (BIS) on a monthly basis.

v) SDAs will have access to data on Job Service applicants, including data available on the Applicant Retrieval System.

B) Upon request by IDES, SDAs will provide IDES with the following information on programs:

i) program descriptions,

ii) funding source/amounts,

iii) eligibility criteria,

iv) timelines, and,

v) availability of support services.

C) SDAs will inform their subcontractors of the provisions of this coordination agreement and will take steps to assure compliance.

g) Area Agencies on Aging (AAA) Coordination Agreement(s) - Entities which administer JTPA funds and which also directly administer 3% Older Individuals Programs shall have written coordination agreements with their respective AAA. This coordination agreement will address specific requirements within the following topical areas:

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1) Joint Planning - The coordinating agencies shall jointly plan JTPA services for mutual clients in the SDA.

A) The joint planning of activities will be facilitated through the requirement for coordinating agents to hold, at minimum, quarterly meetings to discuss the coordination agreement and any other matters pertinent locally.

i) The quarterly meetings must be based on a pre-established agenda which includes, but is not limited to, the topics of program information exchange, services to common clients, referral process, joint planning and other local concerns.

ii) At least one of the quarterly meetings must be used as local strategic planning session where information concerning such items as occupational and labor market information, demographic information, services available from various vendors in the area, and linkages among service providers, at minimum, are discussed.

iii) A summary of the discussions taking place as well as an identification of any issues which are determined necessary to be resolved at the state level must be developed and forwarded to the IJTCC within two weeks following the meeting date.

B) As part of the joint planning activities, JTPA entities will share the contents of the two-year local job training plan and subsequent modifications involving changes in either available programs or participants to be served with the coordinating agent. AAA will have the opportunity to review and comment on such planned information as it relates to services to older individuals under Title II-A (Sections 201-205 of the Act) and the 3% program.

2) Referral Arrangements - The coordinating agencies shall establish reciprocal participant referral procedures for agencies serving the same client groups. The reciprocal referral procedures shall be designed to address local needs and shall include the following information:

A) A description of how and under what circumstances

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referrals will be made from JTPA to AAA.

- B) A description of how referrals will be made from AAA to JTPA including some means of identifying any services which are provided or to be provided to the client from AAA, and the name of the staff making the referral.
- C) A description of the method(s) utilized to track the outcome of the referrals from AAA to JTPA.
- D) A description of the means utilized to communicate the needs of JTPA for specific substantial segment groups, individuals with particular skills or academic achievement levels, at minimum, to AAA for targeted referrals of older individuals.
- E) A minimum number of older individuals which will be referred by AAA to JTPA.

3) Program Information Exchange - The coordinating agencies shall establish a program information exchange system.

A) Minimally, information on the following topics will be exchanged to maintain accuracy and a mutual understanding of the programs for which the coordinating agencies are responsible:

- i) Program descriptions;
- ii) Program/services eligibility requirements;
- iii) Funding source/amount available to support activities;
- iv) Timelines; and
- v) Availability of support services.

B) A narrative description or flow chart of the process which is used to exchange program information including the dissemination of JTPA information among different organizations serving the elderly where such distribution will facilitate access of older individuals to JTPA.

4) Services to Common Clients - The coordination agreement shall specify how JTPA and AAA will coordinate in providing services to common clients.

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A) Local arrangements to share information with respect to older individuals which may assist in the assessment process such as that which may reflect skill identification, confidence building activities, education and training goals.

B) Arrangements to ensure the provision of supportive services to older individuals as necessary to affect a positive experience in the training program or activity.

h) The Illinois Department of Corrections (IDOC) Coordination Agreement - IDOC and JTPA SDAs shall establish a coordination agreement addressing specific requirements within the following topical areas:

1) Joint Planning - The coordinating agencies shall jointly plan JTPA services for mutual clients in the SDA.

A) The joint planning of activities will be facilitated through the requirement for coordinating agents to hold, at minimum, quarterly meetings to discuss the coordination agreement and any other matters pertinent locally.

i) The quarterly meetings must be based upon a pre-established agenda which includes, but is not limited to, the topics of program information exchange, services to common clients, referral process, joint planning and other local concerns.

ii) At least one of the quarterly meeting must be used as a local strategic planning session where information concerning such items as occupational and labor market information, demographic information, services available from various vendors in the area, and linkages among service providers, at minimum, are discussed.

iii) A summary of the discussions taking place as well as an identification of any issues which are determined necessary to be resolved at the state level must be developed and forwarded to the IJTCC within two weeks following the meeting date.

B) As part of the joint planning activities, JTPA

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entities will share the contents of the two-year local job training plan and subsequent modifications involving changes in either available programs or participants to be served with the coordinating agencies.

- 2) Referral Procedures - The coordinating agencies shall establish reciprocal participant referral procedures for agencies serving the same client groups. The reciprocal referral procedures shall be designed to address local needs and shall include the following information:

A) A description of how referrals will be made from IDOC to JTPA including some means of identifying any services which are provided or to be provided to the client from IDOC and the name of the staff making the referral.

B) A description of the methods utilized to track the outcome of referrals from IDOC to JTPA.

C) A description of the methods utilized to communicate JTPA needs for substantial segment groups, individuals with particular skill or academic achievement levels, at minimum, to IDOC for targeted referrals of ex-offenders when possible.

D) A minimum number of ex-offenders which will be referred by IDOC to JTPA.

- 3) Program Information Exchange - The coordinating agencies shall establish a program information exchange system. Information on the following topics shall be exchanged to maintain accuracy and mutual understanding of the programs for which the coordinating agencies are responsible, at minimum:

- A) Program descriptions;
- B) Program/services eligibility requirements;
- C) Funding source/amounts available to support activities;
- D) Timelines; and,
- E) Availability of support services.

- 4) Services to Common Clients - The coordination agreement

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shall specify how JTPA and IDOC will coordinate in providing services to common clients. JTPA and IDOC will minimally reach agreement on the following issues with respect to providing services to common clients:

- A) Local arrangements to share information with respect to ex-offenders to assist in the assessment process such as prior work histories, training completed, supportive services needed, etc.;
- B) Arrangements to ensure the provision of supportive services to IDOC clients as necessary to affect a positive experience in the training program or activity.

i) Memorandums Of Understanding Criteria - The purpose of the Memorandum of Understanding is to facilitate and maintain an interagency system for the coordination of services to mutual clients. This Memorandum of Understanding is a non-financial commitment to provide for the coordination of such services through provision of the mutual exchange of information and the referral of eligible individuals to appropriate employment and training programs and supportive services. The parties to this Memorandum are committed to confidentiality with regard to interagency communication concerning mutual clients and will respect and observe either agencies' confidentiality policies as well as the provisions of Section 7 of the Freedom of Information Act (Ill. Rev. Stat. 1987, ch. 116, par. 207). The parties to this Memorandum will appoint individuals to serve as interagency liaisons to facilitate coordination and the sharing of information. The designated interagency liaisons shall be identified in an Addendum to this Memorandum of Understanding. This Memorandum of Understanding is a statement of commitment by each party. Amendments to provisions may be made by mutual consent. Both parties will participate in an annual evaluation of the provisions of this Memorandum.

- 1) The Displaced Homemaker Program (56 Ill. Adm. Code 2640) and JTPA SDAs shall enter into a Memorandum of Understanding to facilitate and maintain an interagency system for the coordination of services to mutual clients. This Memorandum may be withdrawn at any time by written communication, dated and signed by the Chairperson of the Private Industry Council or the Director, or otherwise responsible person for the Displaced Homemaker Center. The following topical areas with specific requirements will be addressed in this Memorandum of Understanding:

- A) Exchange of Information - The SDA and the Displaced

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Homemaker Program will exchange program information on a regular basis. The procedures to be used in exchanging this information will be identified in an addendum to the memorandum. Information to be exchanged includes, but is not limited to:

- i) Schedule of meetings of advisory bodies/Private Industry Councils;
 - ii) Copies of job training plans;
 - iii) Grant applications or other funding requests;
 - iv) Program descriptions;
 - v) Funding sources and amounts;
 - vi) Targeted participants if any; and
 - vii) Timeframes for program enrollments/operations.
- B) Referrals - A referral system shall be developed by the SDA and the Displaced Homemaker Program. Referrals and information exchange forms will be developed. All such documents will be attached as an Addendum to this Memorandum. Referral documents and a description of the referral system shall become the formal operating referral procedures between the SDA and the Displaced Homemaker Program.

C) Administrative - The SDA and the Displaced Homemaker Program and their administrative entities and are committed to compliance with all appropriate and applicable laws, rules and regulations. These will include:

- i) Title VI of the Civil Rights Act of 1964 as amended (42 U.S.C. 2000e et seq.);
- ii) Section 504 of the Rehabilitation Act (29 U.S.C. 794); and
- iii) All other applicable or appropriate laws, rules, regulations pertaining to civil rights, affirmative action, handicapped, and employment practices (56 Ill. Adm. Code 2610.120).

2) The IDCFS and JTPA SDAs shall enter into a Memorandum of Understanding to facilitate and maintain an interagency

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system for the coordination of services to mutual clients. Amendments to provisions of this memorandum may be made by mutual consent. Both parties will participate in an annual evaluation of the provisions of this memorandum. This memorandum may be withdrawn at any time through written communication dated and signed by the chairperson of the Private Industry Council or the Regional Director of the IDCFS (or his/her designee). The following topical areas with specific requirements will be addressed in this Memorandum of Understanding:

A) Exchange of Information - The SDA and the IDCFS regional and local offices will exchange program information on a regular basis. The information to be exchanged and the procedures to be used in exchanging the information must be identified in an Addendum to this Memorandum. The parties to this Memorandum are committed to confidentiality with regard to interagency communication concerning mutual clients and will respect and observe either agencies' confidentiality. The parties to this Memorandum will appoint an individual to serve as interagency liaison to facilitate coordination and the sharing of information. The designated interagency liaisons shall be identified in an Addendum to this Memorandum of Understanding. The SDA and the IDCFS regional and local offices, in an effort to better understand each other's operation, will exchange program information on a regular basis. Information to be exchanged includes, but is not limited to:

- i) A schedule of meetings of advisory bodies/Private Industry Councils;
- ii) Copies of job training plans;
- iii) Grant applications or other funding requests;
- iv) Program descriptions;
- v) Funding sources and amounts;
- vi) Targeted participants (if any); and
- vii) Timeframes for program enrollments/operations.

B) Referrals - The IDCFS will meet with appropriate representatives of the IDES and the SDA to discuss and negotiate referral arrangements for IDCFS youth

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to discuss and negotiate referral arrangements for IDCFS youth to access the JTPA system. A discussion of information which will be used in exchanging such information will be developed and attached to this Memorandum as an Addendum. Included in the negotiations will be a discussion of:

- i) the role of IDCFS subcontractors in making direct referrals to the JTPA system;
- ii) the role of IDES in referring IDCFS youth to the JTPA system; and
- iii) how and from whom IDCFS will receive information regarding the status of youth referrals.

C) Administrative - The SDA and the IDCFS are committed to compliance with all appropriate and applicable laws, rules and regulations. These will include:

- i) Civil Rights Act of 1964 and 1966;
- ii) Section 504 of the Rehabilitation Act (29 U.S.C. 794);
- iii) All other applicable or appropriate laws, rules, regulations pertaining to civil rights, affirmative action, handicapped and employment practices (56 Ill. Adm. Code 2610.120).

(Source: Amended at 14 Ill. Reg. 1976, effective January 18, 1990)

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Section 2610. Appendix A Coordination Agreement Minimum Sample Sizes for Follow-Up-(Repeated)

PURPOSE STATEMENT

WHEREAS, the (Illinois Department of AAA/ Educational Institutions) and the (JTPA Entity) are agencies with the common purpose of assisting individuals who are unemployed, underemployed and economically disadvantaged to obtain unsubsidized employment and thus, become self-sufficient; and

WHEREAS, each agency specified above recognizes that a limited amount of resources is available in the area to provide programs and services to accomplish this purpose; and

WHEREAS, each agency is committed to eliminating unnecessary duplication of programs and services, maximizing all available resources in a coordinated and integrated fashion, and providing the necessary support services to participants to ensure, to the extent possible, a positive employment and training experience;

The (Illinois Department of AAA/Educational Institutions) and the (JTPA Entity) enter into this coordination agreement to formalize their commitment to achieving their common purpose in accordance with the procedures herein outlined.

NATURE OF AGREEMENTS

This Coordination Agreement is (nonfinancial/financial) in nature. (As a nonfinancial agreement it does not commit either agency to expenditure of funds to carry out these coordination activities. This agreement shall serve as the statement of work portion of the financial contract between the agencies.)

INTERAGENCY COORDINATION LIAISONS

Representing the (Illinois Department of AAA/Educational Institutions) in all routine matters regarding interagency coordination with the JTPA system will be

Representing the (JTPA Entity) in all routine matters regarding interagency coordination with the (Illinois Department of AAA/Educational Institutions) will be

Matters which cannot be resolved by the above designated interagency coordination liaisons will be brought to the attention of

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with the (Illinois Department of AAA/Educational Institutions) for
and with the (JTPA Entity) resolution.

ADMINISTRATIVE

and the agree to abide
within the policies, regulations and/or procedures of each agency.

CONFIDENTIALITY OF CLIENTS

Any information concerning persons served by JTPA/(Illinois Department of AAA/Educational Institutions) shall remain confidential. Except as may be required by state or federal law, regulation or order, the agencies agree not to release any information concerning said persons without prior written consent of the individual or, if minors, their parents or guardians and that such information will be limited to that which is necessary for the proper delivery of services.

Parties to this agreement and any subgrantees/subcontractors are committed to compliance with provisions of the Civil Rights Acts of 1964 and 1966, Section 504 of the Rehabilitation Act, the Fair Employment Practices Act, and all other applicable or appropriate laws, rules, and regulations dealing with civil rights, affirmative action, handicapped, and employment practices.

This coordination agreement is representative of the commitment between the agencies represented by the signatures below to coordinate programs and services. Amendments to provisions of this agreement may be made by mutual agreement, printed revision, and dated signatures of both responsible parties or designated signatories. Both parties will participate in an annual evaluation of the provisions of this agreement. Such annual evaluation may occur at the annual strategic planning meeting. This agreement and provisions will be in effect from July 1, 1988 through June 30, 1990 or until amended or modified, and may be dissolved by either party with a written notice thirty days in advance.

(Illinois Department of AAA/Educational Institutions)

Signator: _____

Date: _____

JTPA Signator: _____

Date: _____

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FAILURE TO COMPLY WITH COORDINATION AGREEMENT TERMS
SERVICE DELIVERY AREAS

The State Agency, educational institution and AAA/SDA Coordination Agreements specify interagency liaisons who will be the primary contacts between the coordinating agents for purposes of coordination. In the event that the interagency liaisons cannot resolve the issues which arise, the coordination agreements also identify the individuals to contact for resolution. Should the next level designees be unable to resolve the issues at hand, or bring about compliance with the terms of the coordination agreement, service delivery areas having the following procedures with which to pursue a solution to the situation:

- 1) Contact the central office of the state agency, including the Illinois Department on Aging with respect to the AAAs and the Illinois State Board of Education with respect to educational institutions, where compliance to the terms of the coordination agreement is not taking place and indicate both the problem area(s) and the desired solution. If the central office of the state agency concurs with the service delivery area, it can initiate whatever action is appropriate to resolve the identified problem. The service delivery area entity should allow the state agency sufficient time to investigate the situation from the local office point of view, if applicable. If no resolution has been reached, or progress toward that end made within 15 working days, the SDA can initiate "Step 2".

- 2) The SDA contacts the Chairperson or staff to the Coordination Committee of the Illinois Job Training Coordinating Council and explains its perception of the problem(s) encountered in obtaining compliance with the terms of the coordination agreement. A summary of the efforts to resolve the situation with the central office of the state agency shall be forwarded with any other relevant documentation to the Coordination Committee staff.

- 3) The staff to the Coordination Committee shall investigate the circumstances and then set up a meeting between the two disagreeing agents and the Chairperson of the Coordination Committee or designee and attempt to resolve the problem(s) within 10 working days following receipt of the documentation from the SDA.

- 4) If no resolution is reached at the meeting among the Coordination Committee Chair or his/her designee, the SDA and the state agency, a summary of the problem(s) and the efforts made to reach resolution shall be forwarded to the Coordination Committee in its regular mailings of meeting materials. The Coordination Committee shall review the facts and recommend a solution to the

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state agency and SDA at its next regularly scheduled meeting. The recommendation of the Coordination Committee shall be forwarded, in writing, to the SDA entity, the PIC, the Local Elected Officials (LEOs) and central office of the state agency within 5 working days following the meeting. If either party disagrees with the recommendation, it may appeal the decision to the Illinois Job Training Coordinating Council.

- 5) The IJTCC will, at its next regularly scheduled meeting following the appeal request, review all facts and allow further discussion of the outstanding issues. The IJTCC will make recommendations on the solution and forward same, in writing to the affected state agency, the Private Industry Council, the local elected official, the SDA entity and the Governor within 5 working days after the Council meeting where a decision was reached.

FAILURE TO COMPLY WITH COORDINATION AGREEMENT TERMS

STATE AGENCIES

The State Agency, educational institution and AAA/SDA Coordination Agreements specify interagency liaisons who will be the primary contacts between the coordinating agents for purposes of coordination. In the event that the interagency liaisons cannot resolve the issues which arise, the coordination agreements also identify the individuals to contact for resolution. Should the next level designees be unable to resolve the issues at hand, or bring about compliance with the terms of the coordination agreement, the central office of the state agency, including the Illinois Department on Aging with respect to the AAAs and the Illinois State Board of Education with respect to educational institutions, should be contacted to attempt to resolve the situation. If this fails, the state agencies/AAA/educational institutions have the following procedures with which to pursue a solution to the situation:

- 1) Contact the Private Industry Council and the local elected officials of the SDA where compliance to the terms of the coordination agreement is not taking place and indicate both the problem area(s) and the desired solution. If the Private Industry Council and local elected officials concur with the state agency, it will initiate whatever action is appropriate to resolve the identified problem. The state agency will allow the local partnership sufficient time to investigate the situation from the SDA point of view. If no resolution has been reached, or progress toward that end made within 15 working days, the state agency can initiate "Step 2".

- 2) The state agency contacts the Chairperson or staff to the Coordination Committee and explains its perception of the

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problem(s) encountered in obtaining compliance with the terms of the coordination agreement. A summary of the efforts to resolve the situation with the SDA and the Private Industry Council and local elected officials shall be forwarded with any other relevant documentation to the Coordination Committee staff.

- 3) The staff to the Coordination Committee shall investigate the circumstances and then set up a meeting between the two disagreeing agents and the Chairperson of the Coordination Committee or designee and attempt to resolve the problem(s) within 10 working days following receipt of the documentation from the state agency.

- 4) If no resolution is reached at the meeting among the Coordination Committee Chair or his/her designee, the SDA and the state agency, a summary of the problem(s) and the efforts made to reach resolution, shall be forwarded to the Coordination Committee in its regular mailing of meeting materials. The Coordination Committee shall review the facts and recommend a solution to the state agency and SDA at its next regularly scheduled meeting. The recommendation of the Coordination Committee shall be forwarded, in writing, to the SDA entity, the PIC, the LEOs, and central office of the state agency within 5 working days following the meeting. If either party disagrees with the recommendation, it may appeal the decision to the Illinois Job Training Coordinating Council.

- 5) The IJTCC will, at its next regularly scheduled meeting following the appeal request, review all facts and allow further discussion of the outstanding issues. The IJTCC will make recommendations on the solution and forward same in writing to the affected state agency, the Private Industry Council, the local elected officials, the SDA entity and the Governor within 5 working days after the Council meeting where a decision was reached.

(Source: Section repealed at 12 Ill. Reg. 4128, effective February 8, 1988; new Section adopted at 14 Ill. Reg. 1976, effective January 18, 1990)

- 1) THE HEADING OF THE PART: Rental of Boats and Boating Facilities
- 2) CODE CITATION: 17 Ill. Adm. Code 210
- 3) SECTION NUMBERS:

210.30
210.35

ADOPTED ACTION:

Amendments
Amendments
- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 63a14, 63a15, 63a21, and 63a22 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, pars. 63a14, 63a15, 63a21 and 63a22).
- 5) EFFECTIVE DATE OF AMENDMENTS: January 23, 1990
- 6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No
- 7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No
- 8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: January 23, 1990
- 9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: November 3, 1989, 13 Ill. Reg. 16892
- 10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES? No
- 11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION: None
- 12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes
- 13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No
- 14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No
- 15) SUMMARY AND PURPOSE OF AMENDMENTS: These amendments were proposed to increase the boat rental fee from \$6.00 to \$10.00 and exempt North Point Marina from the boat dock rental provisions of this Part.
- 16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price
Lincoln Tower Plaza
524 S. Second Street
Springfield, Illinois 62701-1787

BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Engineering Grant Program
- 2) Code Citation: 23 Ill. Adm. Code 1025
- 3) Section Numbers
1025.20 Adopted Action:
1025.50 Amended
Amended
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 144, par. 189.13
- 5) Effective Date of Amendments: January 18, 1990.
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this amendment contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: January 10, 1990
- 9) Notice of Proposal Published in Illinois Register:
September 22, 1989, 13 Ill. Reg. 14516
- 10) Has JCAR issued a Statement of Objections to these rules? No.

11) Differences between proposal and final version: The following changes were made pursuant to comments received from the Administrative Code Division. In addition, minor capitalization and punctuation changes also were made.

In the authority note, the reference to par. 181 was deleted.

In Section 1025.20 the unlabeled paragraphs were indented one level further and statutory citations were provided for statutory language in the definitions for "Engineering College," "Engineering Laboratory Equipment," and "Matching Funds."

In response to recommendations from JCAR, the formats for statutory citations, including punctuation contained therein, were changed.

12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will these amendments replace an emergency amendment currently in effect? No.

14) Are there any amendments pending on this Part? No.

BOARD OF HIGHER EDUCATION

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- 15) Summary and Purpose of Amendments: Wording in the definition of "Engineering College" is reordered to make it more clear. Referenced to the Department of Registration and Education are changed to "Department of Professional Regulation." The application date for grants is changed to provide for earlier allocation of grants.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Carolyn Lorton, Assistant Director
Illinois Board of Higher Education
500 Reisch Building
4 West Old Capitol Square
Springfield, Illinois 62701
217/782-2551
- 17) The full text of the Adopted Amendments begins on the next page:

BOARD OF HIGHER EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER II: BOARD OF HIGHER EDUCATION

PART 1025

ENGINEERING GRANT PROGRAM

Section

1025.10 Purpose

1025.20 Definitions

1025.30 Grant Amounts and Allocations

1025.40 Criteria for Grant Allocations

1025.50 Grant Requirements

1025.60 Audit Requirements and Guidelines

AUTHORITY: Implementing and authorized by Section 9.13 of "AN ACT creating a Board of Higher Education, defining its powers and duties, making an appropriation therefor, and repealing an Act herein named" (Ill. Rev. Stat. 1987, ch. 144, par. 189.13).

SOURCE: Adopted at 8 Ill. Reg. 16871, effective September 4, 1984; amended at 10 Ill. Reg. 7742, effective April 28, 1986; amended at 14 Ill. Reg. 2015, effective January 18, 1990.

Section 1025.20 Definitions

The following definitions apply to all terms used in this Part.

"Board" means Illinois Board of Higher Education.

"Engineering college" means a school, college, university, department of a university or other educational institution located in Illinois which grants baccalaureate degrees in engineering and which is reputable and in good standing in accordance with the rules prescribed by the Department of Registration and Education Professional Regulation, and which grants baccalaureate degrees in engineering. (Section 4 of "The Professional Engineering Act", Ill. Rev. Stat. 1987, ch. 111, par. 5106.)

"Engineering laboratory equipment" means equipment to be used in engineering programs and includes the acquisition, replacement or increase of visible tangible personal property of a non-consumable nature, having a unit value exceeding \$100.00, with a unit value of \$51.00 or more (Section 20 of "AN ACT in relation to State Finance", Ill. Rev. Stat. 1987, ch. 127, par. 156.) excluding laboratory or classroom furniture. (Section 9.13 of "AN ACT creating a Board of Higher Education, defining its powers and duties, making an appropriation therefor, and repealing an Act

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herein named" (the Act), Ill. Rev. Stat. 1987, ch. 144, par. 189.13.)

Engineering "software" means a computer program or programs used for teaching or research by an engineering college.

"Fair market value" is the price at which a willing seller and a willing buyer will trade at that point in time which the engineering equipment is donated to the college.

"Grant Year" shall be the fiscal year, from July 1 to the subsequent June 30, during which grant applications are submitted by the engineering college and grants are made by the Board.

"Matching funds" means: either the fair market value of in-kind contributions of engineering laboratory equipment and software; (Section 9.13 of the Act, Ill. Rev. Stat. 1987, ch. 144, par. 189.13) or any funds which were expended for engineering laboratory equipment or software, provided such funds were not appropriated by the General Assembly or did not result from tuition, fees or assessments. (Section 9.13 of the Act, Ill. Rev. Stat. 1987, ch. 144, par. 189.13)

(Source: Amended at 14 Ill. Reg. 2015, effective January 18, 1990)

Section 1025.50 Grant Requirements

In order to receive a grant, an engineering college must submit a request to the Board by ~~January 15~~ November 15 of each grant year. The grant request shall include:

- a) A list of students for which each Bachelor of Science degree in engineering was conferred between July 1 and June 30 of the year immediately prior to the grant year.
- b) A description of previously unmatched, matching funds, which description shall include:
 - 1) The fair market value of all in-kind contributions of engineering laboratory equipment and software, plus a list of such equipment and software and the date acquired.
 - 2) A list of all funds, including source, expended for engineering laboratory equipment and software, plus a list of such equipment and software and the date acquired.
 - 3) A list of all funds, including source, earmarked for the purchase of engineering laboratory equipment and software.

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c) An agreement to:

- 1) Expend matching funds and grant funds in accordance with this Part.
- 2) Refund any grant funds which the engineering college was not eligible to receive pursuant to this Part or which were not spent in accordance with this Part.
- 3) Contract with an external auditor who is registered as a public accountant by the Illinois Department of Registration and Education Professional Regulation to verify that the requirements in this Part have been met.
- d) The reports of the audits of matching funds, grant funds, and the qualified engineering graduates for the prior year's grant. See Section 1025.60 for audit requirements and guidelines. Information may be obtained from the Illinois Board of Higher Education, 500 Reich Building, 4 West Old Capitol Square, Springfield, Illinois 62701.

(Source: Amended at 14 Ill. Reg. 2015, effective January 18, 1990)

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1) The Heading of the Part: Health Services Education Grants Act

2) Code Citation: 23 Ill. Adm. Code 1020

Section Numbers	Adopted Action:
1020.10	Amendment
1020.30	Amendment
1020.40	Amendment
1020.50	Amendment
1020.60	Amendment
1020.80	Amendment

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111-1/2, pars. 821 et seq.

5) Effective Date of Amendments: January 18, 1990

6) Does this rulemaking contain an automatic repeal date? No.

7) Does this amendment contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: January 10, 1990

9) Notice of Proposal Published in Illinois Register: September 22, 1989, 13 Ill. Reg. 14521

10) Has JCAR issued a Statement of Objections to these rules? No.

11) Differences between proposal and final version: The Board made the following changes pursuant to comments received from the Administrative Code Division, in addition to minor capitalization and punctuation changes requested by the Division:

In Section 1020.10, line 1, the full Act was referenced.

In Section 1020.40(b) the statutory reference was changed to "the Act;" and the "Section 1020.40" reference was changed to "subsection."

In Section 1020.50(c) the unlabeled paragraphs were indented and labeled.

In Section 1020.80(b) the wording "Rules and Regulations" was changed to "Part."

In response to recommendations from JCAR the Board made capitalization and punctuation changes and corrected a cross reference in Section 1020.80(b)(4) from a reference to Section 1020.30(c) to a reference to Section 1020.30(b).

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- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will these amendments replace an emergency amendment currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Amendments: The definition of eligible Institutions is amended to make it clear that public and proprietary Institutions are not eligible Institutions under the grant program. Classes of grants for nurse shortage areas and related references are eliminated because, according to the Illinois Department of Public Health, all areas of the state currently experience nurse shortages. Grant rates for other nursing programs are increased to compensate for the elimination of the nurse shortage grants. There is no net effect increase in the funding requirements for nursing education grants. In response to increased funding provided by the General Assembly, the rates for optometric program grants are increased to make them more comparable to grant rates in other medical-related programs. Instructions for determining enrollment are amended to include specifications for institutions not granting credit hours and for educational programs offered by hospital schools of nursing. Other amendments update references to departments/agencies and requirements.
- 16) Information and questions regarding these adopted amendments shall be directed to:
- Carolyn Lorton, Assistant Director
Illinois Board of Higher Education
500 Reich Building
4 West Old Capitol Square
Springfield, Illinois 62701
217/782-2551
- 17) The full text of the Adopted Amendments begins on the next page:

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER II: BOARD OF HIGHER EDUCATION

PART 1020

HEALTH SERVICES EDUCATION GRANTS ACT

Section	Classes of Eligible Institutions
1020.10	Classes of Grants
1020.20	Definitions
1020.30	Grant Allocations
1020.40	Determination of Enrollment
1020.50	Conditions for Grants
1020.60	Application Forms
1020.70	Enrollment Audit Guidelines
1020.80	

AUTHORITY: Implementing and authorized by the Health Services Education Grants Act (Ill. Rev. Stat. 1987, ch. 111-1/2, pars. 821 et seq.).

SOURCE: Adopted April 15, 1976; amended at 4 Ill. Reg. 8, p. 137, effective March 22, 1980; amended at 5 Ill. Reg. 2993, effective March 6, 1981; amended at 6 Ill. Reg. 5518, effective April 14, 1982; codified at 8 Ill. Reg. 1453; amended at 8 Ill. Reg. 16878, effective September 4, 1984; amended at 10 Ill. Reg. 7749, effective April 28, 1986; amended at 11 Ill. Reg. 5208, effective March 12, 1987; amended at 14 Ill. Reg. 2020, effective January 18, 1990.

Section 1020.10 Classes of Eligible Institutions

For purposes of this Act the Health Services Education Grants Act (the Act), public institutions and proprietary institutions shall not be considered non-profit Illinois institutions ~~shall be~~ eligible for grants. Eligible institutions shall be divided into the following classes:

- Class I Institutions - Colleges and universities offering medical education programs.
- Class II Institutions - Colleges and universities offering dental education programs.
- Class III Institutions - Colleges and universities offering optometric education programs.
- Class IV Institutions - Colleges and universities offering podiatric medical education programs.

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- e) Class V Institutions - Colleges and universities offering accredited masters level allied health education programs.
- f) Class VI Institutions - Colleges and universities offering the third and fourth years of accredited baccalaureate level allied health education programs.
- g) Class VII Institutions - Colleges, universities, and hospitals offering the last year of accredited allied health education programs which lead to either a certificate or associate degree.
- h) Class VIII Institutions - Colleges and universities offering accredited masters level nursing education programs.
- i) Class IX Institutions - Colleges and universities offering the third and fourth years of accredited baccalaureate level nursing education programs.
- j) Class X Institutions - Colleges offering the second year of accredited associate degree nursing education programs.
- k) Class XI Institutions - Hospitals offering the last two years of three-year accredited nursing education programs or the last year of two-year accredited nursing education programs.
- l) Class XII Institutions - Hospitals offering the first three years of accredited residency training in family practice, internal medicine, obstetrics/gynecology, and pediatrics programs which are affiliated with and under the educational supervision of public medical schools/colleges. Hospitals shall operate the residency program under written agreement with the medical school/college and such agreement must include at least the following criteria: the appointment of a program director and teaching staff, specific designation of educational program responsibilities for each party, and provision for facilities and space to be utilized for educational program activities.
- m) Class XIII Institutions - Colleges and universities offering the second year of accredited associate degree nursing education programs or the third and fourth years of accredited baccalaureate level nursing education programs after July 1, 1982, in a certified nurse-shortage area.
- n) Class XIV Institutions - Hospitals offering the last two years of three-year accredited nursing education programs or the last year of two-year accredited nursing education programs after July 1, 1982, in a certified nurse-shortage area.

(Source: Amended at 14 Ill. Reg. 2020, effective January 18, 1990)

Section 1020.30 Definitions

- a) "Illinois resident" is defined as follows:
- 1) For a student to qualify as an Illinois resident, a student must be a lawful resident of the United States and meet one of the following two requirements:
 - A) At least one parent, stepparent or court appointed guardian of the student must reside in Illinois; or
 - B) The emancipated (self-supporting) student must have lived in Illinois, in some capacity other than as a student at a postsecondary educational institution, for a period of twelve continuous months immediately prior to enrollment in an Illinois postsecondary educational institution.
 - 2) For a medical resident to qualify as an Illinois resident, the medical resident must be a lawful resident of the United States and meet the following requirements: The medical resident must be employed by a hospital affiliated with and under the educational supervision of a public medical school or college in Illinois and must be either a graduate of an Illinois medical school/college or a graduate of a high school, college or university located in Illinois and a graduate of a medical school or college located within the United States, the District of Columbia and the several territories.
 - 3) The resident/non-resident category in which the student or medical resident is placed at the time of initial matriculation will hold for his or her entire education.
- b) **Certified-Nurse-Shortage-Area**
A-certified-nurse-shortage-area-means-one-which-has-been-certified-as-such-by-the-Director-of-the-Department-of-Public-Health
- cb) Minority Racial or Ethnic Group
 Minority racial or ethnic group is defined to include the following groups:
- 1) Black (not of Hispanic origin) - A person having origins in any of the Black racial groups of Africa.
 - 2) Hispanic - A person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.

- 3) American Indian or Alaskan Native - A person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.

(Source: Amended at 14 Ill. Reg. 2020, effective January 18, 1990)

Section 1020.40 Grant Amounts and Allocations

- a) Grant Amounts

The maximum grant-amounts rate per Illinois resident enrollee for each class of institution shall be as follows:

Class of Institution	Class of Grants	Amount of Grant Not to Exceed
I	II	\$5,200
I	V	1,500
I	VI	3,000
II	II	3,700
II	V	1,000
II	VI	2,000
III	II	1,7882.400
IV	II	2,400
V	III	1,200
VI	III	1,200
VII	III	1,200
VIII	III	2,100
IX	III	1,0001.100
X	III	500600
XI	III	500600
XII	IV	6,200
XIII	III	100
XIV	III	100

- b) Grant Allocations

Grant allocations to institutions shall be determined annually, based upon funds appropriated under the Health-Services-Education-Grants Act, the grant amounts specified in SectionSubsection (a), and the actual number of Illinois residents enrolled in institutions eligible for grant support.

(Source: Amended at 14 Ill. Reg. 2020, effective January 18, 1990)

Section 1020.50 Determination of Enrollment

- a) The first day of the fourth full week of classes of the fall term shall be the date that the number of Illinois resident students enrolled and attending shall be determined for all Classes of Institutions except Class XII Institutions.
- b) For Class XII Institutions, the first of August shall be the date that the number of filled resident positions shall be determined.
- c) In the case of Class V, VI, VII, VIII, IX, X, and XI, XIII-and-XIV-Institutions, the full-time-equivalent (FTE) undergraduate or graduate Illinois enrollment shall be reported. Undergraduate FTE enrollment shall be determined by dividing the total credit hours (or equivalent) by 15. For masters level programs, FTE enrollment shall be determined by dividing the total credit hours by 12. Any fraction of the program's total FTE will be dropped.

- 1) For institutions which do not grant credit hours, the credit hour value of each unit is obtained by dividing the number of units required for a typical baccalaureate degree into 120 for semester hour equivalency or 180 for quarter hour equivalency.

- 2) For educational programs offered by hospitals, an FTE student is a statistical unit based upon the typical full-time academic load. Of the normal academic load, a student taking three-fourths will account for .75 FTE, one-half will account for .5 FTE, and one-fourth will account for .25 FTE. Any fraction of the program's total FTE will be dropped.

- d) For Class VI, VII, IX, X, and XI, XIII-and-XIV Institutions, the classification of students by year shall be as follows:

- 1) First year - less than 30 semester hours (45 quarter hours)
- 2) Second year - 30-59 semester hours (45-89 quarter hours)
- 3) Third year - 60-89 semester hours (90-134 quarter hours)
- 4) Fourth year - 90 or more semester hours (135 or more quarter hours).

- e) If the institution does not grant credit hours, the equivalent classification of students by year shall be as follows:

- 1) First year - the equivalent of less than 30 semester hours in a typical baccalaureate degree program.

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- 2) Second year - the equivalent of between 30-59 semester hours in a typical baccalaureate degree program.
- 3) Third year - the equivalent of between 60-89 semester hours in a typical baccalaureate degree program.
- 4) Fourth year - the equivalent of 90 or more semester hours in a typical baccalaureate degree program.
- f) For Class I, II, III, and IV Institutions, the following limitations on Illinois resident enrollment shall apply:
 - 1) The maximum number of years a student may be counted for grants is four years.
 - 2) A student repeating any portion of the program may be counted only once in each of the four years.

(Source: Amended at 14 Ill. Reg. 2020, effective January 18, 1990)

Section 1020.60 Conditions for Grants

a) Application Requirements

~~In order to receive funds~~ To be eligible for a grant under this grant program, an institution will be required to shall submit the following documents:

- 1) A certification of enrollments and graduates for the previous fiscal year.
- 2) A certification of enrollments for the current fiscal year.
- 3) An estimate of future enrollments.
- 4) A tabulation of minorities enrolled in the program.
- 5) A report on the location and activity of the previous year's graduates.
- 6) ~~Assurance~~ Certification of compliance with an open policy with respect to race, color, creed, sex and national origin.
- 7) An enrollment audit and a certified financial audit of the institution for its previous fiscal year performed by an external auditor who is registered as a public accountant by the Illinois Department of Professional Regulation. Section 1020.80 provides enrollment audit guidelines for external

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- auditors to conduct an enrollment audit and prepare this report.
- b) In the event that an enrollment audit reveals that an overpayment was made in a grant to an institution, one of the following courses of action will be followed:
 - 1) A reduction will be made on the amount of the institution's grant in the following year.
 - 2) A reimbursement to the State will be required.
 - c) In the event that no enrollment audit ~~report~~ is submitted, an institution will be required to reimburse the State for the total amount of the grant.
 - d) Underpayments of a previous fiscal year's grant revealed by an enrollment audit shall not be disbursed to an institution in subsequent year grants.

(Source: Amended at 14 Ill. Reg. 2020, effective January 18, 1990)

Section 1020.80 Enrollment Audit Guidelines

- a) To fulfill the enrollment audit requirement in Section 1020.60(a) institutions shall contract with an external auditor who is registered as a public accountant by the Illinois Department of ~~Registration and Education~~ Professional Regulation.
- b) The auditor shall obtain a copy of the certification of enrollment document(s) included with the application materials and a copy of ~~the Rules and Regulations~~ this Part 1020. To verify enrollment the auditor shall perform tests of institutional records to assure that information reported in the certification of enrollment document(s) is true, accurate and meets the requirements of this Part. ~~these Rules and Regulations~~. Such tests should include at least the following steps:
 - 1) Test residency status of students for compliance with the Illinois Resident definitions;
 - 2) For Class I, II, IV, V, and VI Grants, test the classification level and number of Illinois resident students enrolled and in record of attendance on the date for the enrollment data;
 - 3) For Class III Grants, test the classification level and the number of credit hours being earned by Illinois resident

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students enrolled and attending classes of record on the date for the enrollment data;

- 4) For Class V and VI Grants, test the students claimed for compliance with the definition in Section 1020.30(e)-(b) for minority racial or ethnic group;
- 5) Trace the extensions and totals from the enrollment records to the certification of enrollment document(s).

(Source: Amended at 14 Ill. Reg. 2020, effective January 18, 1990)

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- 1) The Heading of the Part: Illinois Financial Assistance Act for Nonpublic Institutions of Higher Learning
- 2) Code Citation: 23 Ill. Adm. Code 1000
- 3) Section Numbers
1000.10
1000.30
1000.40
1000.60
Adopted Action:
Amendment
Amendment
Amendment
Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 144, pars. 1331 et seq.
- 5) Effective Date of Amendments: January 18, 1990.
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this amendment contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: January 10, 1990
- 9) Notice of Proposal Published in Illinois Register:
September 22, 1989, 13 Ill. Reg. 14531
- 10) Has JCAR issued a Statement of Objections to these rules? No.
- 11) Differences between proposal and final version:
The Board made the following changes pursuant to comments received from the Administrative Code Division, in addition to minor capitalization and punctuation changes requested by the Division:

In the authority note, in line 3, changed "1338" to "et seq."

In Section 1000.10(a) specified section and title of the Act followed by a full statutory citation.

In Section 1000.10(h), in line 3, changed "135" to "et seq." Also, changed "and/or" to "or;" in line 7 changed "241" to "et seq."

In Section 1000.30, placed agency notes at appropriate places and levels; in Section 1000.30(f), removed labels within paragraph.

The Board made the following changes during the First Notice Period:

In Section 1000.30, subsection levels were changed to correctly reflect the organization of material in that section.

- 12) Have all changes agreed upon by the agency and JC&R been made as indicated in the agreement letter issued by JC&R? Yes.
- 13) Will these amendments replace an emergency amendment currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Amendments: Language in the application and certification requirements was amended to require institutions to certify that they are operated privately and not-for-profit. New language was added to make clear that funds are not available to provide for underpayments identified by audits. Other changes were made to update references to agencies and survey documents and to provide more logical organization to the rules.
- 16) Information and questions regarding these adopted amendments shall be directed to:
Carolyn Lorton, Assistant Director
Illinois Board of Higher Education
500 Reisch Building
4 West Old Capitol Square
Springfield, Illinois 62701
217/782-2551
- 17) The full text of the Adopted Amendments begins on the next page:

Section
1000.10 Eligibility and Application Documentation

- 1000.10 Definitions
- 1000.20 Application Requirements
- 1000.30 The Formula for Funding
- 1000.40 Application Procedure
- 1000.50 Audit Guidelines for Enrollment and Non-Sectarian Use of Funds
- 1000.60 Audit

AUTHORITY: Implementing and authorized by the Illinois Financial Assistance Act for Nonpublic Institutions of Higher Learning (Ill. Rev. Stat. 1987, ch. 144, par. 1331 et seq.)

SOURCE: Adopted April 15, 1976; emergency amendment at 5 Ill. Reg. 951, effective January 13, 1981, for a maximum of 150 days; amended at 5 Ill. Reg. 5850, effective May 26, 1981; amended at 6 Ill. Reg. 5534, effective April 14, 1982; codified at 8 Ill. Reg. 1451; amended at 8 Ill. Reg. 16890, effective September 4, 1984; amended at 11 Ill. Reg. 5211, effective March 12, 1987; amended at 14 Ill. Reg. 2030, effective January 18, 1990.

Section 1000.10 Eligibility and Application Documentation

- a) The institution through the Chairman of its governing board or its Chief Executive Officers is required to certify that the institution operates privately, not-for-profit and that the majority of its undergraduate students are enrolled in programs which are at least two-year programs of collegiate grade directly applicable to the attainment of a baccalaureate degree. Institutions annually shall submit a catalog of programs and courses offered for the current academic year, and when necessary to establish that the institution is in conformity with standards substantially equivalent to those of the State-supported institutions of higher learning, the institution shall provide evidence that program credits are accepted for transfer by State-supported, baccalaureate degree granting institutions in Illinois. (Section 2 of the "Illinois Financial Assistance Act for Nonpublic Institutions of Higher Learning" (the Act), Ill. Rev. Stat. 1987, ch. 144, par. 1332.)

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- b) The institution through the Chairman of its governing board or its Chief Executive Officer shall certify that the governing board possesses its own sovereignty, including final authority in all matters of local control, educational policy, choice of personnel, determination of program, and financial management. In addition, the institution must annually file its Articles of Incorporation and By-Laws with the Board of Higher Education.
- c) The institution through the Chairman of its governing board or its Chief Executive Officer shall certify that it maintains an open policy with respect to race, creed, and color in the admission of students, appointment of faculty and employment of staff. In addition, the institution must furnish the Board of Higher Education: a copy of the institution's policy for employment of faculty and staff; a sample copy of the institution's faculty and staff employment contract or letter; a copy of the institution's policy for admission of students; and a copy of the student admission application form and requirements for admission to the institution.
- d) The institution through the Chairman of its governing board or its Chief Executive Officer shall file annually with the Board of Higher Education a certified audit report including an audit of the enrollment claimed for this grant program and an audit verification that grant funds have not been used for sectarian purposes.
- e) The institution through the Chairman of its governing board or its Chief Executive Officer shall participate in the Board of Higher Education's: annual Fall Enrollment Study; annual Student Financial Aid Study; annual Integrated Postsecondary Education Data Systems (IPEDS) Higher Education General Information Survey; and any other studies requested by the Board of Higher Education.
- f) The institution's Chief Executive Officer shall provide the list of names, addresses, classification and credit hours of each resident of Illinois claimed as a freshman, sophomore, junior, or senior enrolled at the institution and shall certify that that is a true and accurate representation of such enrollments and credit hours on the reporting date.
- g) The Board of Higher Education staff shall review application documents of all institutions for compliance with the eligibility requirements in the Illinois Financial Assistance Act For Nonpublic Institutions of Higher Learning. The Board of Higher Education staff may require additional documents or a meeting with institutional representatives to discuss questions about application documents.

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- h) Institutions under the jurisdiction of "An Act of providing for the regulation of privately-operated colleges, junior colleges and universities" (Ill. Rev. Stat. 1985, ch. 144, pars. 121-135 et seq.) and/or "An Act to regulate the granting of academic degrees, diplomas and certificates by certain educational institutions, to provide penalties for the violation thereof and to make an appropriation therefor" (Ill. Rev. Stat. 1985, ch. 144, pars. 231-241 et seq.) shall possess both operating authority and degree granting authority as required under those Acts before becoming eligible for a grant under the Illinois Financial Assistance Act for Nonpublic Institutions of Higher Learning (Ill. Rev. Stat. 1985, ch. 144, pars. 1331 et seq.).

(Source: Amended at 14 Ill. Reg. 2030, effective January 18, 1990)

Section 1000.30 Application Requirements

- a) Format for Student Listing and Credit Hours Claimed
- b) 1) Illinois resident students enrolled in interinstitutional cooperative programs involving two private not-for-profit institutions may be claimed by only one institution. The institution that may claim students in such programs is the principal institution for the student's records and the one to which the students pay the institution's regular tuition and fees. A private not-for-profit institution which is involved in either a cooperative or contract program with a proprietary institution may not claim students in such programs.
- c) 2) Illinois resident students enrolled in interinstitutional cooperative programs involving a public institution may be claimed by the private institution if the private institution is the principal institution for the student's records and the one to which the student pays the institution's regular tuition and fees.
- d) 3) The list of names and addresses must coincide with the figures reported on the Enrollment Report Form. The list may be submitted in a machine readable form, a computer print-out, or a typed listing. The format for preparing and submitting the list on magnetic tape is available upon request from the Board of Higher Education staff. The format for preparing the list must include:
- 4) A) The name and address of each student claimed in alphabetical order by class level;

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- 2) The total credit hours previously earned by each student, on the date of enrollment data;
- 3) The number of credit hours each student is enrolled in, on the date of enrollment data;

Agency-Note AGENCY NOTE: The Hospital Schools are not required to include subsections (d)(2) and (3) (B) and (C) of the above but shall submit a separate alphabetized list for each class level. The statement of equivalency shall appear at the beginning of each list.

- 4) The institution's total number of lower division credit hours, and the total number of upper division credit hours, and the FTE calculation for lower division and upper division;
- 5) For those institutions having cooperative programs with another institution, either public or private, the list must identify the students being claimed who are enrolled in the cooperative program and identify the credit hours enrolled at each institution.

AGENCY NOTE: Institutions that do not grant credit hours shall provide a statement of the equivalency to the student classification by semester hours.

- 6) Audit of Enrollment and Non-Sectarian Compliance. Institutions shall annually contract with their external auditors to (a) conduct an enrollment audit of the enrollment claimed for grant funds in this program and (b) to verify that grant funds have not been used for sectarian purposes and report the results to the Board of Higher Education.

7) Reductions and Reimbursements

- 1) A reduction will be made on the amount of an institution's grant when the enrollment audit report from the previous fiscal year identifies an overpayment made for the previous fiscal year grant or where an audit report fails to verify that grant funds were not used for sectarian purposes.
- 2) A reimbursement to the State will be required of any institution which does not continue to participate in the program when the enrollment audit report from the previous fiscal year identifies an overpayment made for the previous fiscal year grant, when no enrollment audit report is submitted, or where

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an audit report fails to verify or is not submitted to verify that grant funds were not used for sectarian purposes.

- 3) Underpayments of a previous fiscal year's grant revealed by an enrollment audit shall not be disbursed to an institution in subsequent year grants.

(Source: Amended at 14 Ill. Reg. 2030, effective Jan. 18, 1990)

Section 1000.40 The Formula for Funding

- a) Institutional grants shall be determined by allocating the annual appropriation for this Act among the eligible institutions in accordance with a formula based on the number of full-time-equivalent (FTE) undergraduate, Illinois resident students enrolled at each eligible institution with double credit being given to the FTE of such students who are junior or senior (upper division) students at such institutions.
- b) Reductions will be made on an institution's grant where the enrollment audit report of the previous fiscal year identifies an overpayment made in that previous fiscal year.

(Source: Amended at 14 Ill. Reg. 2030, effective Jan. 18, 1990)

Section 1000.60 Audit Guidelines for Enrollment and Non-Sectarian Use of Funds Audits

- a) To fulfill the enrollment and non-sectarian use of funds audit requirements in Section 1000.30 institutions shall contract with an external auditor who is registered as a public accountant by the Illinois Department of Professional Regulation, Registration and Education.

- b) The auditor shall obtain the following copies of the grant program application documents: the certified application form; the enrollment report form; the list of student names and addresses and credit hours; and these Rules and Regulations. To verify enrollment the auditor shall perform tests of institutional records to assure that information reported in the grant application materials is true, accurate and meets the requirements of these Rules and Regulations. Such checks should include at least the following steps:

- 1) Test the residency status of students for compliance with the Illinois resident definition;

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- 2) Test the classification level and the number of degree/diploma/certificate credit hours being earned by Illinois students enrolled and attending classes of record on the date for the enrollment data;
- 3) Trace the extensions and totals of Illinois resident student credit hours by class level from the institution's enrollment records to the grant application forms.
- c) A description of the enrollment audit procedure and calculations shall be included in the audit-report.
- d) To verify non-sectarian use of funds, the auditor shall perform tests of institutional records to ensure that sectarian activities have not been supported by grant funds. Sectarian activities are activities which further the religious interests of specific religions, denominations, or sects, and include, but are not limited to the following:
 - 1) Expenditures for a campus church, chapel, or temple;
 - 2) Expenditures for salaries, housing or other support for religious or denominational pastors, teachers, or chaplains except for remuneration for teaching of non-sectarian classes;
 - 3) Expenditures to host conferences, seminars or other religious/denominational meetings for either students or sponsoring religions or denominations;
 - 4) Grants to specific religious or denominational groups or grants, scholarships or fellowships for only members of such groups.

(Source: Amended at 14 Ill. Reg. 2030, effective Jan. 18, 1990)

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Determination Of Unemployment Contributions
- 2) Code Citation: 56 Ill. Adm. Code 2770
- 3) Section Number: Adopted Action:
2770.110 Amended Section
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 48, pars. 570, 571, 573, 576.1, 576.2, 578.1, 610 and 611.
- 5) Effective Date of the Amendment: January 19, 1990.
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this Rule contain an incorporation by reference? No.
- 8) Date filed in Agency's Principal Office: January 14, 1990.
- 9) Notice of Proposal published in Illinois Register: October 6, 1989 at 13 Ill. Reg. 15543.
- 10) Has JCAR issued a Statement of Objection to these Rules? No.
- 11) Difference between proposal and final version: None.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will this replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and purpose of the rules: This amendment announces the 1990 contribution rates for newly liable employers by classification within their Standard Industrial Code. It also deletes the rates for 1984 as they are no longer needed.
- 16) Information and Questions regarding these Adopted Amendments may be addressed to:

Stella Adams Cuthbert, Commissioner
Illinois Department of Employment Security
401 South State Street - 2 South
Chicago, Illinois 60605
312/793-4240

The full Text of the Adopted Amendments begins on the next page:

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT

CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER C: RIGHTS AND DUTIES OF EMPLOYERS

PART 2770

DETERMINATION OF UNEMPLOYMENT CONTRIBUTIONS

SUBPART B: STANDARD INDUSTRIAL CLASSIFICATION

Section

2770.100 Industrial Classification
2770.105 Contribution Rate For Non Experience-Rated Employers
2770.110 Average Contribution Rates By Standard Industrial Classification (SIC) Codes

SUBPART C: ALTERNATIVE BENEFIT WAGE RATIO

2770.150 Eligibility To Elect The Alternative Benefit Wage Ratio
2770.155 Approval Of Election Of The Alternative Benefit Wage Ratio
2770.160 Adjustment Of The Benefit Wage Charges And The Determination Of The Alternative Benefit Wage Ratio
2770.165 Revocation Of Election Of Alternative Benefit Wage Ratio
2770.170 Appeals

SUBPART E: TRANSFER OF BENEFIT WAGES FROM BASE PERIOD TO
SUBSEQUENT EMPLOYER

2770.400 Definitions
2770.405 Application Of Base Period Wages
2770.410 Restriction On Benefit Wage Transfers
2770.415 Benefit Wage Transfer Procedural Requirements
2770.420 Petition For Hearing

SUBPART F: BENEFIT WAGE CANCELLATIONS

2770.501 Effective Date Of Benefit Wage Cancellations Pursuant To Section 1508.1 Of The Act

2770. Table A General SIC Classification

AUTHORITY: Implementing and authorized by Sections 1500, 1501, 1503, 1506.1, 1506.2, 1506.3, 1508.1, 1700 and 1701 of the Unemployment Insurance Act (Ill. Rev. Stat. 1987, ch. 48, pars. 570, 571, 573, 576.1, 576.2, 576.3, 578.1, 610 and 611).

DEPARTMENT OF EMPLOYMENT SECURITY

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SOURCE: Emergency rules adopted as 56 Ill. Adm. Code 600: Subpart C at 8 Ill. Reg. 550, effective January 1, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 8208, effective May 30, 1984; recodified from 56 Ill. Adm. Code 600: Subpart C at 8 Ill. Reg. 15030; emergency amendments at 8 Ill. Reg. 15088, effective August 8, 1984, for a maximum of 150 days; emergency amendments at 8 Ill. Reg. 22139, effective October 26, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 24117, effective November 30, 1984; amended at 9 Ill. Reg. 4507, effective March 25, 1985; amended at 10 Ill. Reg. 6935, effective April 14, 1986; amended at 10 Ill. Reg. 21683, effective December 15, 1986; amended at 11 Ill. Reg. 9878, effective May 11, 1987; emergency amendments at 12 Ill. Reg. 210, effective January 1, 1988, for a maximum of 150 days, expired May 30, 1988; amended at 12 Ill. Reg. 11213, effective June 20, 1988; amended at 12 Ill. Reg. 12473, effective July 15, 1988; amended at 12 Ill. Reg. 18143, effective October 27, 1988; amended at 12 Ill. Reg. 20477, effective November 28, 1988; amended at 13 Ill. Reg. 11507, effective June 29, 1989; amended at 14 Ill. Reg. 2038, effective January 19, 1990.

SUBPART B: STANDARD INDUSTRIAL CLASSIFICATION

Section 2770.110 Average Contribution Rates By Standard Industrial Classification (SIC) Codes

a) The average contribution rate for each Economic Division, excluding the applicable emergency rate for calendar year 1984, as determined by the application of Section 2770.105(a)(3), shall be:

Digits	Economic Division	Rate
01-09	A- Agriculture, Forestry, Fishing	3.0%
10-14	B- Mining	3.1%
15-17	C- Construction	4.3%
20-39	D- Manufacturing	3.6%
40-49	E- Transportation, Communication, Electric, Gas, Sanitary Services	3.3%
50-51	F- Wholesale Trade	2.6%
52-59	G- Retail Trade	2.6%
60-67	H- Finance, Insurance, Real Estate	1.6%
70-89	I- Services	2.1%
91-97	J- Public Administration	1.9%

DEPARTMENT OF EMPLOYMENT SECURITY

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99 K. Nonclassifiable-Establishments 3.0%

70-89 I. Services 2.1%
91-97 J. Public Administration 2.5%
99 K. Nonclassifiable Establishments 2.2%

b) The average contribution rate for each Economic Division, excluding the applicable emergency rate, for calendar year 1985, as determined by the application of Section 2770.105(a)(3) shall be:

d) The average contribution rate for each Economic Division, excluding the applicable emergency rate, for calendar year 1987, as determined by the application of Section 2770.105(eb)(3) shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	3.3%
10-14	B. Mining	3.5%
15-17	C. Construction	4.8%
20-39	D. Manufacturing	4.0%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	3.6%
50-51	F. Wholesale Trade	2.8%
52-59	G. Retail Trade	2.9%
60-67	H. Finance, Insurance, Real Estate	1.8%
70-89	I. Services	2.2%
91-97	J. Public Administration	2.8%
99	K. Nonclassifiable Establishments	2.7%

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	3.3%
10-14	B. Mining	3.9%
15-17	C. Construction	4.4%
20-39	D. Manufacturing	3.3%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	3.2%
50-51	F. Wholesale Trade	2.5%
52-59	G. Retail Trade	2.6%
60-67	H. Finance, Insurance, Real Estate	1.6%
70-89	I. Services	2.0%
91-97	J. Public Administration	2.3%
99	K. Nonclassifiable Establishments	2.0%

eb) The average contribution rate for each Economic Division, excluding the applicable emergency rate, for calendar year 1986, as determined by the application of Section 2770.105(a)(3) shall be:

ed) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 1988, as determined by the application of Section 2770.105(ec)(3) of this Part shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	3.3%
10-14	B. Mining	3.7%
15-17	C. Construction	4.6%
20-39	D. Manufacturing	3.6%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	3.4%
50-51	F. Wholesale Trade	2.6%
52-59	G. Retail Trade	2.8%
60-67	H. Finance, Insurance, Real Estate	1.7%

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	3.4%
10-14	B. Mining	4.6%
15-17	C. Construction	4.5%
20-39	D. Manufacturing	3.2%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	3.2%
50-51	F. Wholesale Trade	2.4%

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

52-59	G.	Retail Trade	2.5%
60-67	H.	Finance, Insurance, Real Estate	1.5%
70-89	I.	Services	1.9%
91-97	J.	Public Administration	2.1%
99	K.	Nonclassifiable Establishments	2.1%

f) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 1989, as determined by the application of Section 2770.105(e)(34) of this Part, shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	3.4%
10-14	B. Mining	4.8%
15-17	C. Construction	4.2%
20-39	D. Manufacturing	2.9%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	3.0%
50-51	F. Wholesale Trade	2.2%
52-59	G. Retail Trade	2.3%
60-67	H. Finance, Insurance, Real Estate	1.4%
70-89	I. Services	1.7%
91-97	J. Public Administration	2.5%
99	K. Nonclassifiable Establishments	1.9%

f) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 1990, as determined by the application of Section 2770.105(d)(4) of this Part, shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	3.3%
10-14	B. Mining	4.7%
15-17	C. Construction	4.1%

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20-39	D.	Manufacturing	2.7%
40-49	E.	Transportation, Communication, Electric, Gas, Sanitary Services	2.8%
50-51	F.	Wholesale Trade	2.0%
52-59	G.	Retail Trade	2.1%
60-67	H.	Finance, Insurance, Real Estate	1.4%
70-89	I.	Services	1.6%
91-97	J.	Public Administration	2.3%
99	K.	Nonclassifiable Establishments	2.2%

(Source: Amended at 14 Ill. Reg. 2038, effective January 19, 1990)

ENVIRONMENTAL PROTECTION AGENCY
NOTICE OF ADOPTED RULES

1) The Heading of the Part: Annual Testing Fees For Analytical Services

2) Code Citation: 35 Ill. Adm. Code 691

3) Section Numbers: Adopted Action:

691.101 New Section
691.102 New Section
691.103 New Section
691.104 New Section
691.105 New Section
691.106 New Section
691.107 New Section
691.201 New Section
691.202 New Section
691.203 New Section
691.301 New Section
691.302 New Section
691.303 New Section
691.304 New Section
691.305 New Section
691.306 New Section
Appendix A New Section

4) Statutory Authority: Section 17.7 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1017.7, as added by P.A. 86-670, effective January 1, 1990)

5) Effective Date of Rules: January 18, 1990

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rule contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: January 8, 1990

9) Notice of Proposal Published in Illinois Register:

September 29, 1989 13 Ill. Reg. 15164
(Issue Date)

10) Has JCAR issued a Statement of Objections to these rules? No

ILLINOIS REGISTER
ENVIRONMENTAL PROTECTION AGENCY
NOTICE OF ADOPTED RULES

11) Differences between proposal and final version:

Section 691.102 was amended by rewording the introductory paragraphs.

Section 691.102 was amended by adding the phrase "pursuant to 35 Ill. Adm. Code 183" after the word "Agency" in the definition of the term "Certified Laboratory".

Section 691.102 was amended by redefining the term "Laboratory Testing".

Section 691.103(b)(2) was amended by adding the phrase "in 35 Ill. Adm. Code: Subtitle F" after the word "regulation".

Section 691.106 was reworded.

Section 691. Appendix A was amended by changing the title of the appendix. The appendix was further amended by modifying the date of the commencement of the analytical service period. Also, in the second, third, and fourth paragraphs, the term "testing" was deleted and the term "analyses" was inserted in its place.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rule replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rules:

The adopted rules establish procedures relating to the collection of annual testing fees for analytical services.

16) Information and questions regarding this adopted rule shall be directed to:

Name: Scott O. Phillips
Address: Division of Public Water Supplies
Illinois Environmental Protection Agency
2200 Churchill Road
Post Office Box 19276
Springfield, Illinois 62794-9276
Telephone: 217/782-5544

The full text of the adopted rules begins on the next page:

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 691

ANNUAL TESTING FEES FOR ANALYTICAL SERVICES

SUBPART A: GENERAL

- Section 691.101 Purpose and Applicability
691.102 Definitions
691.103 Payment of Annual Testing Fee Required Prior to Laboratory Testing by the Agency
691.104 Analytical Service Period
691.105 Reduced Participation in the Annual Testing Fee Program
691.106 Relation to Other Fee Systems
691.107 Severability

SUBPART B: PROCEDURES FOR ESTABLISHING ANNUAL TESTING FEES

- Section 691.201 Annual Testing Fee For Calendar Year 1990
691.202 Annual Testing Fee After Calendar Year 1990
691.203 Determining the Number of Service Connections

SUBPART C: PROCEDURES FOR BILLING AND COLLECTING ANNUAL TESTING FEES

- Section 691.301 Billing Statements
691.302 Due Date of Payment
691.303 Form of Payment
691.304 Prohibition Against Refund
691.305 Overpayment or Underpayment of Annual Testing Fee
691.306 Audit and Access to Records

Appendix A: Agreement for Reduced Participation in Sample Analysis

AUTHORITY: Implementing and authorized by Section 17.7 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1017.7, as added by P.A. 86-670, effective January 1, 1990).

ENVIRONMENTAL PROTECTION AGENCY

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SOURCE: Adopted at 14 Ill. Reg., 2045, effective January 18, 1990.
NOTE: Capitalization denotes statutory language.

SUBPART A: GENERAL

Section 691.101 Purpose and Applicability

- a) The purpose of this Part is to establish procedures for the determination and collection of fees for analyses of drinking water by the Agency.
b) This Part applies to community water supplies.
- Section 691.102 Definitions
- a) Unless specified otherwise, all terms shall have the meaning set forth in the Act.
b) For purposes of this Part, the following definitions apply:

"Act" means the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1001 et seq.).

"Agency" means the Illinois Environmental Protection Agency.

"Annual testing fee" or "fee" means the fee for analytical services prescribed by Section 17.7 of the Act.

"Board" means the Illinois Pollution Control Board.

"Certified laboratory" means any laboratory approved by the Agency pursuant to 35 Ill. Adm. Code 183, or other department or agency of State government if such authority is delegated for the specific parameters to be examined, pursuant to Section 4(n) or (o) of the Act.

"COMMUNITY WATER SUPPLY" MEANS A PUBLIC WATER SUPPLY WHICH SERVES OR IS INTENDED TO SERVE AT LEAST 15 SERVICE CONNECTIONS USED BY RESIDENTS OR REGULARLY SERVES AT LEAST 25 RESIDENTS. (Section 3.05 of the Act)

"Council" means the Community Water Supply Testing Council established by Section 17.7(g) of the Act.

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

"Laboratory testing" means the analysis of drinking water by the Agency required under Section 4(p) of the Act, other than analytical work described in Section 691.103(b)(1) or (2).

"PUBLIC WATER SUPPLY" MEANS ALL MAINS, PIPES AND STRUCTURES THROUGH WHICH WATER IS OBTAINED AND DISTRIBUTED TO THE PUBLIC, INCLUDING WELLS AND WELL STRUCTURES, INTAKES AND CRIBS, PUMPING STATIONS, TREATMENT PLANTS, RESERVOIRS, STORAGE TANKS AND APPURTENANCES, COLLECTIVELY OR SEVERALLY, ACTUALLY USED OR INTENDED FOR USE FOR THE PURPOSE OF FURNISHING WATER FOR DRINKING OR GENERAL DOMESTIC USE AND WHICH SERVE AT LEAST 15 SERVICE CONNECTIONS OR WHICH REGULARLY SERVE AT LEAST 25 PERSONS AT LEAST 60 DAYS PER YEAR. A PUBLIC WATER SUPPLY IS EITHER A "COMMUNITY WATER SUPPLY" OR A "NON-COMMUNITY WATER SUPPLY". (Section 3.28 of the Act)

"Service connection" means the opening, including all fittings and appurtenances at the water main through which water is supplied to the user.

Section 691.103 Payment of Annual Testing Fee Required Prior to Laboratory Testing by the Agency

- a) Community water supplies must pay all annual testing fees due under this Part prior to the initiation of any laboratory testing by the Agency.
- b) Unless all fees due from a community water supply under this Part have been paid to the Agency, the Agency shall have the duty under Section 4(p) of the Act to analyze samples from such community water supply only for:

- 1) Up to six total coliform samples per sampling period as required under Section 4(p) of the Act; and
- 2) Contaminants for which a maximum allowable concentration in finished drinking water has been established by Board regulation in 35 Ill. Adm. Code: Subtitle F prior to January 1, 1988.

Section 691.104 Analytical Service Period

- a) Except as provided otherwise in subsection (b), upon payment of the annual testing fee by a community water supply in accordance with this Part, the Agency shall perform laboratory testing commencing no later than July 1 of the year in which payment is received by the Agency, and ending on the following June 30.

ENVIRONMENTAL PROTECTION AGENCY

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- b) For a new community water supply that receives a billing statement after the Agency's annual billing cycle, the Agency shall perform laboratory testing for a period of time which shall commence on the first day of the first calendar quarter after fee payment is received by the Agency, and shall end on the following June 30.

Section 691.105 Reduced Participation in the Annual Testing Fee Program

- a) Except as provided otherwise in subsection (b), an annual testing fee shall be due from each community water supply.
- b) No annual testing fee shall be due from any community water supply that both:
 - 1) Signs and returns to the Agency the Agreement set forth in Appendix A within 45 days after issuance of the billing statement to the community water supply; and
 - 2) Submits no samples to the Agency for analytical testing during the analytical service period for which the signed Agreement submitted pursuant to subsection (b)(1) applies, other than samples for the analyses described in Section 691.103(b).
- c) If no annual testing fee is due from a community water supply pursuant to subsection (b), the Agency shall not perform any laboratory testing for the supply during the analytical service period for which the signed Agreement submitted under subsection (b)(1) applies, other than the testing described in Section 691.103(b).

Section 691.106 Relation to Other Fee Systems

Payment of fees under this Part shall not include any fees due to the Agency for any purpose other than the annual testing fee.

Section 691.107 Severability

If any provision of this Part or the application thereof to any person or in any circumstance is adjudged invalid, such adjudication shall not affect the validity of this Part as a whole or any provision thereof not adjudged invalid.

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SUBPART B: PROCEDURES FOR ESTABLISHING ANNUAL TESTING FEES

Section 691.201 Annual Testing Fee For Calendar Year 1990

FOR CALENDAR YEAR 1990, THE FEE FROM EACH COMMUNITY WATER SUPPLY SHALL BE DETERMINED BY MULTIPLYING \$0.75 BY THE NUMBER OF SERVICE CONNECTIONS, SUBJECT TO A MINIMUM FEE OF \$90 AND A MAXIMUM FEE OF \$2,500. (Section 17.7(a) of the Act)

Section 691.202 Annual Testing Fee After Calendar Year 1990

a) THE ANNUAL FEES FOR CALENDAR YEARS AFTER 1990 SHALL BE DETERMINED BY THE AGENCY IN ACCORDANCE WITH THIS SECTION, AND SHALL BE WITHIN THE FOLLOWING RANGES:

- 1) THE BASIC TESTING FEE SHALL BE AT LEAST \$0.65 AND NOT MORE THAN \$0.95 PER SERVICE CONNECTION;
- 2) THE MINIMUM FEE PER COMMUNITY WATER SUPPLY SHALL BE AT LEAST \$75 AND NOT MORE THAN \$110; AND
- 3) THE MAXIMUM FEE PER COMMUNITY WATER SUPPLY SHALL BE AT LEAST \$2,200 AND NOT MORE THAN \$3200.

b) THE AGENCY SHALL BASE ITS ANNUAL FEE DETERMINATION UPON THE ACTUAL AND ANTICIPATED COSTS OF THE ADDITIONAL TESTING PROVIDED FOR UNDER THE FEDERAL SAFE DRINKING WATER ACT AMENDMENTS OF 1986, AND THE ASSOCIATED ADMINISTRATIVE COSTS OF THE AGENCY AND THE COMMUNITY WATER SUPPLY TESTING COUNCIL.

c) FOR EACH CALENDAR YEAR, THE AGENCY SHALL SUBMIT ITS FEE DETERMINATION AND SUPPORTING DOCUMENTATION TO THE COUNCIL BY THE PRECEDING OCTOBER 1, AND THE COUNCIL SHALL HOLD AT LEAST ONE REGULAR MEETING TO CONSIDER THE AGENCY'S DETERMINATION PRIOR TO JANUARY 1.

d) IF THE COUNCIL CONCURS WITH THE AGENCY'S DETERMINATION, IT SHALL THEREUPON TAKE EFFECT.

e) IF THE COUNCIL DOES NOT CONCUR WITH AN AGENCY FEE DETERMINATION BY JANUARY 1 OF THE CALENDAR YEAR IN WHICH THE FEE WAS INTENDED TO BE APPLICABLE, THE PRIOR YEAR'S FEES SHALL REMAIN IN EFFECT FOR ONE ADDITIONAL YEAR. DURING THIS ADDITIONAL YEAR, THE DIRECTOR AND THE

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

CHAIRMAN SHALL MAKE EVERY REASONABLE EFFORT TO RESOLVE ANY OUTSTANDING CONCERNS. FAILURE TO RESOLVE SUCH CONCERNS BY JANUARY 1 OF THE FOLLOWING YEAR SHALL RESULT IN THE AGENCY HAVING THE DUTY UNDER SUBSECTION (p) OF SECTION 4 OF THE ACT TO ANALYZE SAMPLES FROM COMMUNITY WATER SUPPLIES ONLY FOR TOTAL COLIFORM AND CONTAMINANTS FOR WHICH A MAXIMUM ALLOWABLE CONCENTRATION IN FINISHED WATER WAS ESTABLISHED BY BOARD REGULATION PRIOR TO JANUARY 1, 1988.

(Section 17.7 of the Act)

Section 691.203 Determining the Number of Service Connections

a) In determining the number of service connections for purposes of calculating the annual testing fee under Sections 691.201 or 691.202, the community water supply shall include only those service connections for which the supply is:

- 1) Directly metering or collecting revenue; or
- 2) Otherwise providing delivery of potable water.
- b) When finished water is sold to another community water supply, the selling community water supply shall not include the service connections of the purchasing community water supply for purposes of calculating the annual testing fee under Sections 691.201 or 691.202. The purchasing community water supply shall include its service connections for purposes of calculating the annual testing fee under Sections 691.201 or 691.202.

SUBPART C: PROCEDURES FOR BILLING AND COLLECTING ANNUAL TESTING FEES

Section 691.301 Billing Statements

Commencing in 1990, the Agency shall send a billing statement for the annual testing fee to each community water supply in January.

Section 691.302 Due Date of Payment

The due date of payment shall be 45 days after issuance of the billing statement to the community water supply.

ENVIRONMENTAL PROTECTION AGENCY

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Section 691.303 Form of Payment

a) Payment must be by check or money order payable to "Treasurer, State of Illinois" and shall be accompanied by the name of the community water supply and the identification number assigned by the Agency's Division of Public Water Supplies.

b) Payment and all supporting documentation must be mailed together in a single package to:

Illinois Environmental Protection Agency
Data Entry and Cash Receipts Unit
Fiscal Services Section
2200 Churchill Road
P.O. Box 19276
Springfield, Illinois 62794-9276

c) Payment shall not include any fees due to the Agency for any purpose other than the annual testing fee.

Section 691.304 Prohibition Against Refund

Any annual testing fee remitted to the Agency shall not be refunded at any time or for any reason, either in whole or in part.

Section 691.305 Overpayment or Underpayment of Annual Testing Fee

a) If the amount remitted is more than the amount due under this Part, the community water supply's account shall be credited by the amount of the overpayment.

b) If the amount remitted is less than the amount due under this Part, the community water supply will be billed for the balance due.

Section 691.306 Audit and Access to Records

a) Each community water supply for which an annual testing fee is required under this Part shall preserve and maintain all records relating to the number of service connections used in calculating the fee for at least 5 years after the close of the analytical service period.

b) The records described in subsection (a) shall be available to the Agency or its authorized representative for examination during normal business hours.

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Section 691. Appendix A Agreement for Reduced Participation in Sample Analysis

Agreement to Provide for Reduced Participation in Sample Analysis

FACILITY # _____, 19 __*, THROUGH JUNE 30, 19 __*
NAME _____
ADDRESS _____

Pursuant to Section 17.7 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1017.7, as added by P.A. 86-670, effective January 1, 1990), the above-referenced community water supply elects not to have the Illinois Environmental Protection Agency analyze drinking water for contaminants other than total coliform and contaminants for which a maximum allowable concentration in finished water was established by Board regulation prior to January 1, 1988.

It is understood that all laboratory analyses must be carried out by a laboratory which has been certified by the Agency, and that all test results must be forwarded to the Agency in accordance with 35 Ill. Adm. Code: Subtitle F.

It is further understood that failure by the community water supply to perform laboratory analyses will result in enforcement action by the Agency.

It is further understood that the Agency will continue to perform laboratory analyses only for up to six total coliform samples and for contaminants for which a maximum allowable concentration in finished water has been established by Board regulation prior to January 1, 1988.

It is further understood that this Agreement will expire on June 30, 19 __*, and that this Agreement is irrevocable.

Owner or Official Custodian _____

Date _____

SP:ts/3040K/27-34

*The Agency will enter the correct year for the annual analytical service period (as described in Section 691.104).

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: General Conditions of Grants for the Financing and Construction of Public Water Supply Facilities

2) Code Citation: 35 Ill. Adm. Code 661

3) Section Numbers:

Adopted Action:

661.302

Amendment

4) Statutory Authority: Section 4 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1004).

5) Effective Date of Rules: January 18, 1990

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rule contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: January 8, 1990

9) Notice of Proposal Published in Illinois Register:

February 10, 1989 13 Ill. Reg. 1738
(Issue Date)

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version:

The authority note was updated.

Section 661.302(c) was amended by adding hyphens after the words "a", "percentage", and "of".

Section 661.302(e)(3)(H) was amended by deleting the word "the" before "Section 661.301(h)(4)".

Section 661.302(i)(1)(A) was amended by deleting the letter "s" at the end of the word "accountant's".

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

13) Will this rule replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rules:

The adopted amendments correct typographical errors in Section 661.302.

16) Information and questions regarding this adopted rule shall be directed to:

Name: Scott O. Phillips
Address: Division of Public Water Supplies
Illinois Environmental Protection Agency
2200 Churchill Road
Post Office Box 19276
Springfield, Illinois 62794-9276
Telephone: 217/782-5544

The full text of the adopted amendments begins on the next page:

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBPART E: REQUIREMENTS APPLICABLE TO

SUBTITLE F: PUBLIC WATER SUPPLIES

ACCESS, AUDITING, AND RECORDS

CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 661

GENERAL CONDITIONS OF GRANTS FOR THE FINANCING AND
CONSTRUCTION OF PUBLIC WATER SUPPLY FACILITIES

SUBPART F: INCORPORATED REQUIREMENTS

SUBPART A: INTRODUCTION

Section

661.101 Purpose

661.102 Definitions

661.103 Severability

SUBPART B: LIABILITIES AND REMEDIES FOR FAILURE
TO COMPLY WITH GRANT CONDITIONS

Section

661.201 Noncompliance with Grant Conditions

661.202 Stop-Work Order

661.203 Termination

661.204 Waiver of Conditions

661.205 Covenant Against Contingent Fees

SUBPART C: REQUIREMENTS APPLICABLE TO SUBAGREEMENTS OF GRANTEE

Section

661.301 General Conditions for all Subagreements

661.302 Construction Contracts of Grantee

661.303 Contracts for Personal and Professional Services - Consulting

Engineering Agreements

661.304 Equal Opportunity

661.305 Compliance with Procurement Requirements

661.306 Disputes

661.307 Indemnity

SUBPART D: REQUIREMENTS APPLICABLE TO INITIATION,
AMENDMENT, COMPLETION AND OPERATION OF PROJECT

Section

661.401 Project Initiation

661.402 Project Changes

661.403 Supervision

661.404 Project Sign

661.405 Final Inspection

661.406 Operation and Maintenance

661.407 User Charges

661.408 Flood Plain Insurance

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SUBPART E: REQUIREMENTS APPLICABLE TO

ACCESS, AUDITING, AND RECORDS

Section

661.501 Access

661.502 Audit and Records

SUBPART F: INCORPORATED REQUIREMENTS

Section

661.601 Statutory Conditions

661.602 Incorporation of Documents

SUBPART G: REQUIREMENTS APPLICABLE TO PAYMENT OF GRANTS

Section

661.701 Determination of Allowable Costs

661.702 Amount of Grant-Percentage of Approved Allowable Costs

661.703 Use of Grant and Payment of Non-Allowable Costs

661.704 Grant Payment Schedule

661.705 Maximum Grant Share

Appendix A General Conditions of Construction Contract Document

Appendix B Required Provisions (Engineering Agreements)

Appendix C Procedures for Determination of Design Allowance

AUTHORITY: Implementing and authorized by Section 4 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1004).

SOURCE: Emergency rules adopted at 11 Ill. Reg. 19709, effective November 20, 1987, for a maximum of 150 days; adopted 12 Ill. Reg. 8926, effective May 17, 1988; amended at 14 Ill. Reg. ²⁰⁵⁵, effective January 18, 1990.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART C: REQUIREMENTS APPLICABLE TO SUBAGREEMENTS OF GRANTEE

Section 661.302 Construction Contracts of Grantee

a) This Section shall apply to construction contracts (subagreements) awarded by the grantee.

b) The project work shall be performed under one or more contracts awarded by the grantee to private firms, except for force account work authorized by the Agency under Section 661.301(1).

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c) Each contract shall be either a fixed-price (lump sum) contract or fixed-rate (unit price) contract, or a combination of the two, unless the Agency gives advance written approval (based upon the Agency's professional judgment as defined in Section 661.102(b)) for the grantee to use some other acceptable type of contract (such as, but not limited to, per diem contracts as discussed under Section 661.303(b)(5)). The cost-plus-a-percentage-of-cost type of contract shall not be used.

d) For each construction contract to be awarded by the grantee, the grantee shall require a:

- 1) Bid bond for 50% 5% of the bid price;
- 2) Performance bond for 100% of the contract price; and
- 3) Payment bond for 100% of the contract price.

e) The grantee must obtain written Agency approval prior to formal advertising. The Agency shall provide such approval if the grantee has complied with this Part and the conditions of the grant. Each contract shall be awarded after formal advertising, unless negotiation is permitted in accordance with Section 661.301(1). Formal advertising shall be in accordance with the following:

- 1) Adequate public notice

The applicant will cause adequate notice to be given of the solicitation by publication in newspapers or journals of general circulation statewide, inviting bids on the project work, and stating the method by which bidding documents may be obtained and examined. Where the estimated prospective cost of construction is ten million dollars or more, such notice must be published in trade journals of nationwide distribution. The applicant must in addition solicit bids directly from bidders, if it maintains a bidders list.

- 2) Adequate time for preparing bids

Not less than 30 days must be allowed between the date when public notice pursuant to subsection (e)(1) is first published and the date by which bids must be submitted. Bidding documents (including specifications and drawings) shall be available to prospective bidders from the date when such notice is first published.

- 3) Adequate bidding documents

Bidding documents (invitations for bid) shall be prepared by the grantee and shall be furnished upon request on a first-come, first-served basis. A complete set of bidding documents shall be maintained by the grantee and shall be available for inspection and copying by any party. Such bidding documents shall include:

- A) A complete statement of the work to be performed, including necessary drawings and specifications, and a completion schedule. Drawings and specifications may be made available for inspection instead of being furnished;
- B) The terms and conditions of the contract to be awarded;
- C) A clear explanation of the method of bidding and the method of evaluation of bid prices, and the basis and method for award of the contract;
- D) A copy of all the general conditions, special conditions, assurances, agreements, and terms of the grant;
- E) Responsibility requirements or criteria which will be employed in evaluating bidders; provided, that an experience requirement may not be utilized unless justified under the Section 661.301(h)(4);
- F) The following statement:
"Any contract awarded under this Invitation for Bids is expected to be funded in part by a grant from the State of Illinois. Neither the State of Illinois nor any of its departments, agencies or employees is or will be a party to this Invitation for Bids or any resulting contract.";
- G) A copy of subsection (e)(3)(H) shall be in the proposal form to be used by bidders and shall constitute a representation and certification to be considered part of the bid. The grantee shall not award any contract to a bidder who has deleted or modified the language contained in subsection (e)(3)(H) as set forth in the proposal form;
- H) By submission of the bid, each bidder certifies, and in the case of a joint bid each party thereto certifies as to his own organization, that in connection with the bid:

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- i) The prices in the bid have been arrived at independently, without consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;
- ii) Unless otherwise required by law, the prices which have been quoted in the bid have not knowingly been disclosed by the bidder, prior to opening, directly or indirectly to any other bidder or to any competitor; and
- iii) No attempt has been made or will be made by the bidder to induce any other person or firm to submit or not to submit a bid for the purpose of restricting competition; and

1) Each person signing the bid shall certify that:

- i) He is the person in the bidder's organization responsible within that organization for the decision as to the prices being bid and that he has not participated, and will not participate, in any action contrary to subsection (e)(3)(H); or
- ii) He is not the person in the bidder's organization responsible within that organization for the decision as to the prices being bid, but that he has been authorized to act as agent for the persons responsible for such decision in certifying that such persons have not participated, and will not participate, in any action contrary to subsection (e)(3)(H), and as their agent shall so certify; and shall also certify that he has not participated, and will not participate, in any action contrary to subsection (e)(3)(H).

4) Sealed Bids

The grantee shall provide for bidding by sealed bid and for the safeguarding of bids received until public opening.

5) Amendments to bidding documents

If the grantee desires to amend any part of the bidding documents (including drawings and specifications) during the period when bids are being prepared, the amendments shall be communicated in writing to all firms who have obtained bidding documents in time to be considered prior to the bid opening time. The period for submission of bids shall be extended when necessary to assure fair and open competition.

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6) Bid modifications

A firm which has submitted a bid shall be allowed to modify or withdraw its bid prior to the time of bid opening.

7) Public opening of bids

The grantee shall provide for a public opening of bids at the place, date and time announced in the bidding documents.

8) Award to the low responsive, responsible bidder.

A) After bids are opened, they shall be evaluated by the grantee in accordance with the methods and criteria set forth in the bidding documents.

B) The grantee may reserve the right to reject all bids. Unless all bids are rejected, award shall be made to the low, responsive, responsible bidder after the bid evaluation has been submitted to the Agency and written notice of Agency approval has been received by the grantee. The Agency's approval shall be based upon a review of the bidding documents, and the grantee's recommendation, for compliance with the grant conditions and this Part.

C) If award is intended to be made to a firm which did not submit the lowest bid, a written statement shall be prepared prior to any award and retained by the grantee explaining why each lower bidder was deemed not responsive or not responsible.

D) Local laws, ordinances, regulations or procedures which are designed or operate to give local or in-state bidders preference over other bidders shall not be employed in evaluating bids.

f) Negotiations of contract amendments (change orders)

1) Grantee responsibility

The grantee is responsible for negotiation of construction contract change orders. This function may be performed by the grantee directly or by the consulting engineer, if authorized by the grantee.

A) During negotiations the grantee shall:

- i) Provide the contractor with a detailed description of the scope and extent of work to be performed;

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ii) Require the contractor to demonstrate that he will make available or will obtain the necessary personnel, equipment and materials to accomplish the work within the required time; and

iii) Require a fair and reasonable price for the work.

B) For each change order the grantee shall maintain a written summary of all negotiations and an independent cost estimate prepared by the grantee's consulting engineer.

2) Changes in contract price or time

The contract price or time may be changed only by a change order. Negotiations shall be conducted in accordance with this subsection (f). The value of any work covered by a change order, or the value of claim for increases or decreases in the contract price, shall be determined by whichever method set forth below is the most advantageous to the grantee:

A) Unit prices

i) Original bid items: Unit prices set forth in the original bid are acceptable for pricing change orders. However, when changes in quantities exceed 15 percent of the original bid quantity, the unit price shall be reviewed by the grantee to determine if a new unit price should be negotiated.

ii) New items: Unit prices of new items shall be negotiated.

B) A lump sum to be negotiated.

C) Cost reimbursement

The actual cost for labor, direct overhead, materials, supplies, equipment, and other services necessary to complete the work plus an amount to be agreed upon to cover the cost of general overhead and profit to be negotiated.

3) For each change order, the contractor shall submit to the grantee cost and pricing data to enable the grantee to determine if the costs are fair and reasonable. Such data shall include:

A) As a minimum, proposed change order costs shall be presented in summary format as prescribed by the Agency and shall be supported by a certification executed by the

contractor that proposed costs reflect complete, current and accurate cost and pricing data applicable to the data of the change order.

B) In addition to the specific elements of cost, the estimated amount of profit shall be set forth separately in the cost summary for fixed price change orders and a specific total dollar amount of profit will be set forth separately in the cost summary for cost reimbursement change orders.

C) More detailed cost data than that set forth by the summary format may be required to enable the grantee to determine if the costs are fair and reasonable.

D) For costs under cost reimbursement change orders, the contractor shall have an accounting system which accounts for such costs in accordance with generally accepted accounting principles. This system shall provide for the identification, accumulation, and segregation of allowable and unallowable change orders. The contractor shall propose and account for allowable change order costs in a manner consistent with such accounting procedures.

E) Change orders awarded on the basis of review of a cost element summary and a certification of complete, current, and accurate cost and pricing data shall be subject to downward renegotiation or recoupment of funds where subsequent audit pursuant to this Part substantiates that such certification was not based on complete, current and accurate cost and pricing data and on costs allowable under these regulations at the time of the change order execution.

4) Agency review

For any change order, the grantee shall submit the following to the Agency for review to determine compliance with this Part:

A) The cost and pricing data submitted by the contractor;

B) A certification of review and acceptance of the contractor's cost or price; and

C) A copy of the change order with a justification describing the need and reasonableness of the change order.

5) Profit

For the purpose of negotiated change orders to construction contracts under Agency grants, profit is defined as the net

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proceeds obtained by deducting all allowable costs (direct and indirect) from the price. The estimate of profit is to be reviewed by the grantee as are all other elements of price.

6) Allowability

Allowability of costs for change orders shall be determined in accordance with Section 661.701.

g) Progress payments to contractors

1) Policy

Except as may be otherwise required by law, prompt progress payments shall be made by grantees to prime contractors and by prime contractors to subcontractors and suppliers for eligible construction, material, and equipment costs, including those of undelivered specifically manufactured equipment, incurred under a contract under an Agency construction grant.

2) Protection of progress payments made for specifically manufactured equipment

The grantee shall assure protection of the State's interest in progress payments made for specifically manufactured equipment. This protection must be in a manner or form acceptable to the grantee and shall take the form of recordation under the Uniform Commercial Code (Ill. Rev. Stat. 1985, ch. 26, pars. 1-101 et seq., as amended), adequate to protect the interest of the grantee and the State.

3) Limitations on progress payments

In no case may progress payments for undelivered equipment or items be made in any amount greater than seventy-five percent of the cumulative incurred costs allocable to contract performance with respect to the undelivered equipment or items. Submission of a request for any such progress payments shall be accompanied by a certification furnished by the fabricator of the equipment or item that the amount of progress payment claimed constitutes not more than seventy-five percent of cumulative incurred costs allocable to contract performance, and in addition, in the case of the first progress payment request, a certification that the amount claimed does not exceed 15 percent of the contract or item price quoted by the fabricator.

4) A subcontractor or supplier which is determined by the Agency to have frustrated the intent of the provisions regarding progress payments for major equipment or specifically manufactured

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equipment through failure to deliver the equipment shall be determined nonresponsible.

5) Contract provisions

Appropriate provisions regarding progress payments must be included in each contract and subcontract.

6) The foregoing progress payments policy shall be implemented in invitations for bids under construction grants.

h) Retention from progress payments

1) The grantee may retain a portion of the amount otherwise due the contractor. Except as provided in subsection (h)(1)(D), the amount retained by the grantee shall be limited to the following:

A) The withheld amounts shall be not more than 10 percent of the payment claimed until the work is 50 percent complete.

B) When work is 50 percent complete, the withheld amount shall be reduced to 5 percent of the dollar value of all work satisfactorily completed to date if the contractor is making satisfactory progress and there is no specific cause for greater withholding (as determined by the grantee).

C) When the work is substantially complete (operational or beneficial occupancy), the withheld amount shall be further reduced below 5 percent to only the amount necessary to assure completion.

D) The grantee may reinstate up to 10 percent withholding if the grantee determines, at its discretion, that the contractor is not making satisfactory progress or there is other specific cause for such withholding (as determined by the grantee).

2) The foregoing retention policy shall be implemented with respect to all construction projects for which plans and specifications are approved. Appropriate provision to assure compliance with this policy shall be included in the bid documents for such projects initially or by addendum prior to the bid submission date, and as a special condition in the grant agreement or in a grant amendment.

3) A grantee who delays disbursement of grant funds shall be required to credit to the State all interest earned on those funds.

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i) Required construction contract provisions

Each construction contract shall include the "General Conditions of Construction Contract Document" as set forth in Appendix A. In addition, each construction contract shall include the following provisions:

- 1) Audit; access to records:
 - A) The contractor shall maintain books, records, documents and other evidence directly pertinent to performance on grant work under this agreement in accordance with generally accepted accounting principles and with American Institute of Certified Public Accountants' Professional Standards (666 Fifth Avenue, New York City, New York 10019; June 1, 1987). (This incorporation contains no later amendments or editions.) The Contractor shall also maintain the financial information and data used by the Contractor in the preparation or support of any cost submissions required under subsection (f) of this Section and a copy of the cost summary submitted to the owner. The Auditor General, the owner, the Agency, or any of their duly authorized representatives shall have access to such books, records, documents, and other evidence for the purpose of inspection, audit, and copying. The contractor will provide proper facilities for such access and inspection.
 - B) If this contract is a formally advertised, competitively awarded, fixed price contract, the contractor agrees to include the language set forth in subsection (i)(1) in all contract amendments or negotiated change orders in excess of \$10,000, which affect the contract price. In the case of all other prime contracts, the contractor agrees to include the language set forth in Section 661.303(i)(1) in all his contracts and all tier subcontracts or change orders thereto directly related to project performance which are in excess of \$10,000.
 - C) Audits conducted pursuant to this provision shall be in accordance with generally accepted auditing standards.
 - D) The contractor agrees to the disclosure of all information and reports resulting from access to records pursuant to subsection (i)(1)(A). Where the audit concerns the contractor, the auditing agency will afford the contractor an opportunity for an audit exit conference and an opportunity to comment on the pertinent portions of the draft audit report. The final audit report will include the written comments, if any, of the audited parties.

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- E) Records under subsection (i)(1)(A) shall be maintained and made available pursuant to Section 661.501 during performance on Agency grant work under this agreement and until three years from the date of final grant payment for the project. In addition, those records which relate to any dispute or litigation or the settlement of claims arising out of such performance, or costs or items to which an audit exception has been taken, shall be maintained and made available until three years after the date of resolution of such dispute, appeal, litigation, claim, or exception.
- 2) Price reduction for defective cost or pricing data.
 - A) This clause is applicable only to:
 - i) any negotiated prime contract in excess of \$10,000;
 - ii) negotiated contract amendments or change orders affecting the price of a formally advertised, competitively awarded fixed price contract; or
 - iii) any subcontract or purchase order under a prime contract other than a formally advertised, competitively awarded, fixed price contract.
 - B) This clause is not applicable for contracts or subcontracts to the extent that they are awarded on the basis of effective price competition.
 - C) If the Agency determines that any price (including profit) negotiated in connection with this contract, or any cost reimbursable under this contract, was increased by any significant sums because the contractor or any subcontractor furnished incomplete or inaccurate cost or pricing data or data not current as certified in his certification of current cost or pricing data, then such price or cost or profit shall be reduced accordingly and the contract shall be modified in writing to reflect such reduction.
 - D) Failure to agree on a reduction shall be subject to 35 Ill. Adm. Code 661.Appendix A, Article 30.
- 3) Covenant against contingent fees

The contractor warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage,

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brokerage, or contingent fee. For breach or violation of this warranty the owner shall have the right to annul this contract without liability or in its discretion to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

4) Gratuities

- A) The owner shall, by written notice to the contractor, terminate the right of the contractor to proceed under this contract if it is found, after notice and hearing, by the owner that gratuities (in the form of entertainment, gifts, or otherwise) were offered or given by the contractor or any agent or representative of the contractor, to any official or employee of the owner or of the State of Illinois with a view toward securing a contract or securing favorable treatment with respect to the awarding or amending, or the making of any determinations with respect to the performance of this contract: Provided, that if the existence of the facts upon which the owner makes such findings are in issue, they shall be reviewed in proceedings pursuant to 35 Ill. Adm. Code 661. Appendix A, Article 30.

- B) In the event this contract is terminated as provided in subsection (1)(4)(A) the owner shall be entitled to pursue the same remedies against the contractor as it could pursue in the event of a breach of the contract by the contractor.
- C) The rights and remedies of the owner provided in this clause shall not be exclusive and are in addition to any rights and remedies provided by law or under this contract.

j) Subcontracts under construction contracts

The award or execution of all subcontracts by a prime contractor and the procurement and negotiation procedures used by such prime contractor in awarding or executing such subcontracts shall comply with all provisions of federal, State and local law, including but not limited to all provisions set forth in this Part relating to:

A)1) Fraud and other corrupt practices; and

B)2) Access to facilities and records, and audit of records.

(Source: Amended at 14 Ill. Reg. 2055, effective January 18, 1990)

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- 1) The Heading of the Part: Permit Fees for Installing or Extending Water Main

- 2) Code Citation: 35 Ill. Adm. Code 690

- 3) Section Numbers: Adopted Action:

690.101	New Section
690.102	New Section
690.103	New Section
690.104	New Section
690.105	New Section
690.201	New Section
690.202	New Section
690.203	New Section
690.204	New Section
690.205	New Section
690.301	New Section
690.302	New Section

- 4) Statutory Authority: Section 16.1 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1016.1, as added by P.A. 86-670, effective January 1, 1990).

- 5) Effective Date of Rules: January 18, 1990

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rule contain incorporations by reference? No.

- 8) Date Filed in Agency's Principal Office: January 2, 1990

- 9) Notice of Proposal Published in Illinois Register:

September 29, 1989 13 Ill. Reg. 15174
(Issue Date)

- 10) Has JCER issued a Statement of Objections to these rules? No

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11) Differences between proposal and final version:

Section 690.102 was amended by deleting the word "and" from subsection (a)(1). Also, the word "and" from subsection (a)(2) was deleted and the word "or" was inserted in its place.

Section 690.103 was reworded.

Section 690.204(b) was amended by inserting the phrase "(e.g., auditor, contractor)" after the word "representative".

Section 690.301(b) was amended by inserting the phrase "in accordance with Section 39(a) of the Act" after the phrase "DENIAL OF A PERMIT".

Section 690.301(c) was reworded.

Section 690.301(d) was amended by inserting the phrase "in accordance with Section 40 of the Act" after the word "Board".

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rule replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rules:

The adopted rules establish procedures relating to the collection of permit fees for installing or extending water main.

16) Information and questions regarding this adopted rule shall be directed to:

Name: Scott O. Phillips
Address: Division of Public Water Supplies
Illinois Environmental Protection Agency
2200 Churchill Road
Post Office Box 19276
Springfield, Illinois 62794-9276
Telephone: 217/782-5544

The full text of the adopted rules begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES

CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 690

PERMIT FEES FOR INSTALLING OR EXTENDING WATER MAIN

SUBPART A: GENERAL

Section	Purpose
690.101	Applicability
690.102	Definitions
690.103	Relation to Other Fee Systems
690.104	Severability

SUBPART B: PROCEDURES FOR DETERMINATION AND PAYMENT OF FEES

Section	Amount of the Fee
690.201	Permit Application Modifications
690.202	Manner of Payment
690.203	Prohibition Against Refund
690.204	Audit and Access to Records

SUBPART C: PROCEDURES FOR PROCESSING PERMIT APPLICATIONS
FOR WHICH FEES APPLY

Section	Permit Applications Containing the Entire Fee
690.301	Permit Applications Not Containing the Entire Fee
690.302	

AUTHORITY: Implementing and authorized by Section 16.1 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1016.1, as added by P.A. 86-670, effective January 1, 1990).

SOURCE: Adopted at 14 Ill. Reg., 2070, effective January 18, 1990.

NOTE: Capitalization denotes statutory language.

SUBPART A: GENERAL

Section 690.101 Purpose

The purpose of this Part is to establish procedures for the collection of fees for construction permits, emergency construction permits, or as-built plans to install or extend water main.

Section 690.102 Applicability

a) Except as provided otherwise in subsection (b), this Part applies to each applicant:

- 1) For a construction permit under Title IV of the Act, or 35 Ill. Adm. Code: Subtitle F, to install or extend water main;
- 2) Who submits as-built plans under Title IV of the Act, or 35 Ill. Adm. Code: Subtitle F, to install or extend water main; or
- 3) For an emergency construction permit under Title IV of the Act, or 35 Ill. Adm. Code: Subtitle F, to install or extend water main.

b) This Part does not apply to:

- 1) The installation or extension of water main that is not more than 200 feet in length.
- 2) ANY DEPARTMENT, AGENCY OR UNIT OF STATE GOVERNMENT FOR INSTALLING OR EXTENDING A WATER MAIN;
- 3) ANY UNIT OF LOCAL GOVERNMENT WITH WHICH THE AGENCY HAS ENTERED INTO A WRITTEN DELEGATION AGREEMENT UNDER SECTION 4 OF THE ACT WHICH ALLOWS SUCH UNIT TO ISSUE CONSTRUCTION PERMITS UNDER TITLE IV of the Act, OR REGULATIONS ADOPTED thereunder, FOR INSTALLING OR EXTENDING A WATER MAIN; OR
- 4) ANY UNIT OF LOCAL GOVERNMENT FOR INSTALLING OR EXTENDING A WATER MAIN WHERE all OF THE FOLLOWING CONDITIONS ARE MET:
 - A) THE COST OF THE INSTALLATION OR EXTENSION IS PAID WHOLLY FROM MONIES OF THE UNIT OF LOCAL GOVERNMENT, STATE GRANTS OR LOANS, FEDERAL GRANTS OR LOANS, OR ANY COMBINATION THEREOF;

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B) THE UNIT OF LOCAL GOVERNMENT IS NOT GIVEN MONIES, REIMBURSED OR PAID, EITHER IN WHOLE OR IN PART, BY ANOTHER PERSON (EXCEPT FOR STATE GRANTS OR LOANS OR FEDERAL GRANTS OR LOANS) FOR THE INSTALLATION OR EXTENSION (Section 16.1(f) of the Act); and

C) The applicant certifies in the construction permit application that subsections (b)(3)(A) and (b)(3)(B) have been met.

Section 690.103 Definitions

a) Unless specified otherwise, all terms shall have the meaning set forth in the Act.

b) For purposes of this Part, the following definitions apply:

"Act" means the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1001 et seq.).

"Agency" means the Illinois Environmental Protection Agency.

"Applicant" means a person who applies for a construction permit or emergency construction permit to install or extend water main, or who submits as-built plans to install or extend water main, pursuant to Title IV of the Act or 35 Ill. Adm. Code: Subtitle F.

"Fee" means the fee prescribed by Section 16.1 of the Act.

"WATER MAIN" MEANS ANY PIPE THAT IS TO BE USED FOR THE PURPOSE OF DISTRIBUTING POTABLE WATER WHICH SERVES OR IS ACCESSIBLE TO MORE THAN ONE PROPERTY, DWELLING, OR RENTAL UNIT, AND THAT IS EXTERIOR TO BUILDINGS. (Section 16.1(h) of the Act)

Section 690.104 Relation to Other Fee Systems

The fees collected pursuant to this Part, and the fee collection procedures set forth in this Part, are separate from and in addition to all other fees and fee systems established by law.

Section 690.105 Severability

If any provision of this Part or the application thereof to any person or in any circumstance is adjudged invalid, such adjudication shall not affect the validity of this Part as a whole or any provision thereof not adjudged invalid.

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SUBPART B: PROCEDURES FOR DETERMINATION AND PAYMENT OF FEES

Section 690.201 Amount of the Fee

- a) Each applicant subject to this Part pursuant to Section 690.102 shall pay a fee along with the permit application or as-built plan.
- b) THE AMOUNT OF THE FEE IS AS FOLLOWS:

- 1) \$120 IF THE CONSTRUCTION PERMIT APPLICATION OR AS-BUILT PLAN IS TO INSTALL OR EXTEND WATER MAIN THAT IS MORE THAN 200 FEET, BUT NOT MORE THAN 1000 FEET IN LENGTH;
- 2) \$360 IF THE CONSTRUCTION PERMIT APPLICATION OR AS-BUILT PLAN IS TO INSTALL OR EXTEND WATER MAIN THAT IS MORE THAN 1000 FEET BUT NOT MORE THAN 5000 FEET IN LENGTH;
- 3) \$600 IF THE CONSTRUCTION PERMIT APPLICATION OR AS-BUILT PLAN IS TO INSTALL OR EXTEND WATER MAIN THAT IS MORE THAN 5000 FEET IN LENGTH. (Section 16.1(d) of the Act)

Section 690.202 Permit Application Modifications

PRIOR TO A FINAL AGENCY DECISION ON A PERMIT APPLICATION FOR WHICH A FEE HAS BEEN PAID UNDER THIS PART, THE APPLICANT MAY PROPOSE MODIFICATIONS TO THE APPLICATION IN ACCORDANCE WITH THE ACT AND REGULATIONS ADOPTED THEREUNDER WITHOUT ANY ADDITIONAL FEE BECOMING DUE UNLESS THE PROPOSED MODIFICATIONS CAUSE THE LENGTH OF WATER MAIN TO INCREASE BEYOND THE LENGTH SPECIFIED IN THE PERMIT APPLICATION BEFORE THE MODIFICATIONS. IF THE MODIFICATIONS CAUSE SUCH AN INCREASE AND THE INCREASE RESULTS IN ADDITIONAL FEES BEING DUE UNDER SECTION 690.201, THE APPLICANT SHALL SUBMIT THE ADDITIONAL FEE TO THE AGENCY WITH THE PROPOSED MODIFICATIONS. (Section 16.1(e) of the Act)

Section 690.203 Manner of Payment

- a) Except as provided otherwise in subsection (b), payment of the fee must be by check or money order payable to "Treasurer, State of Illinois" and shall be submitted along with the permit application or as-built plans to:

Illinois Environmental Protection Agency
Division of Public Water Supplies
2200 Churchill Road
P.O. Box 19276
Springfield, Illinois 62794-9276

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

- b) EACH APPLICANT FOR AN EMERGENCY CONSTRUCTION PERMIT UNDER TITLE IV OF THE ACT, OR REGULATIONS ADOPTED THEREUNDER, TO INSTALL OR EXTEND A WATER MAIN SHALL SUBMIT THE APPROPRIATE FEE DUE UNDER SECTION 690.201 TO THE AGENCY WITHIN 10 CALENDAR DAYS FROM THE DATE OF ISSUANCE OF THE EMERGENCY CONSTRUCTION PERMIT. (Section 16.1(c) of the Act)
- c) Payment shall not include any fees due to the Agency for any purpose other than the fee due under Section 690.201.

Section 690.204 Prohibition Against Refund

Any fee remitted to the Agency under this Part shall not be refunded at any time or for any reason, either in whole or in part.

Section 690.205 Audit and Access to Records

- a) Each applicant for which a fee is due under this Part shall preserve and maintain all records relating to calculation of the fee for at least 5 years after the date on which the permit application is received by the Agency.

- b) The records described in subsection (a) shall be available to the Agency or its authorized representative (e.g., auditor, contractor) for examination during normal business hours.

SUBPART C: PROCEDURES FOR PROCESSING PERMIT APPLICATIONS

Section 690.301 Permit Applications Containing the Entire Fee

- a) Applications received by the Agency will be logged in and assigned a receipt date and number if the following conditions are met:

- 1) The application is complete in accordance with Title IV of the Act and regulations adopted thereunder; and
- 2) The entire fee due under Section 690.201 is included with the application.

- b) THE AGENCY SHALL, NOT LATER THAN 45 DAYS FOLLOWING THE RECEIPT OF BOTH AN APPLICATION FOR A WATER MAIN EXTENSION CONSTRUCTION PERMIT AND THE FEE REQUIRED BY THIS PART, EITHER APPROVE THAT APPLICATION AND ISSUE A PERMIT OR TENDER TO THE APPLICANT A WRITTEN STATEMENT SETTING FORTH WITH SPECIFICITY THE REASONS FOR THE DISAPPROVAL OF THE APPLICATION AND DENIAL OF A PERMIT in accordance with Section 39(a) of the Act. IF THERE IS NO FINAL ACTION BY THE AGENCY WITHIN 45 DAYS AFTER THE FILING OF THE APPLICATION FOR A PERMIT, THE APPLICANT MAY DEEM THE PERMIT ISSUED. (Section 16.1(1) of the Act)

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED RULES

- c) If modifications to the permit application are received by the Agency from the applicant within 90 days of the date of permit denial in accordance with subsection (b), and if such modifications would allow approval of the application, a permit will be issued without additional fees becoming due under this Part, unless the modifications cause the length of water main to increase beyond the length specified in the permit application before the modifications. If the modifications cause such an increase and the increase results in additional fees being due under Section 690.201, the applicant shall submit the additional fee to the Agency with the modifications.
- d) Except in those cases where permit denial has been appealed to the Illinois Pollution Control Board in accordance with Section 40 of the Act, submissions received by the Agency more than 90 days after the date of permit denial in accordance with subsection (b) shall be considered new applications subject to the fees specified in Section 690.201.

Section 690.302 Permit Applications Not Containing the Entire Fee

Applications not containing the entire fee shall be considered incomplete and the permit shall be denied by the Agency. The Agency shall take the following actions in response to such applications:

- a) The Agency shall deposit any fees submitted along with the application and shall notify the applicant by certified mail of the fee deficiency and of the permit denial. Within 30 days the applicant must submit the balance of the fee that is due.
- b) If the entire fee due is received by the Agency within 30 days of issuance of the notice under subsection (b), the Agency shall log in the receipt of the application and review it in accordance with Section 690.301. The 45 day review period described in Section 690.301(b) shall commence on the date of receipt assigned in accordance with Section 690.301(a).

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: Data Collection
- 2) Code Citation: 77 Ill. Adm Code 2510
- 3) Section Numbers: Adopted Action:
2510.55 Amendment
Appendix D Amendment
- 4) Statutory Authority: Implementing Article IV and authorized by Section 2-3 of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 6504-1, et seq. and par. 6502-3).
- 5) Effective Date of Amendment: January 19, 1990
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this amendment contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: December 12, 1989.
- 9) Notice of Proposal Published in Illinois Register: 13 Ill. Reg. 8198 - June 2, 1989.
- 10) Has JCARR issued a Statement of Objections to this Rule? No.
- 11) Difference between proposal and final version: No substantive changes were made from the original proposed amendment. Suggestions of the Administrative Code Unit were incorporated. Pursuant to agreements with the Joint Committee on Administrative Rules, subsections (a) and (d) were placed in closed parenthesis in Section 2510.55 (e), and "and codified" was added to the Source Note.
- 12) Have all the changes agreed upon by the agency and JCARR been made as indicated in the agreement letter issued by JCARR? Yes.
- 13) Will this amendment replace an emergency amendment currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Amendment: The amendment simplifies the procedure for reporting Inpatient Discharges.
- 16) Information and questions regarding this adopted amendment shall be directed to:

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF ADOPTED AMENDMENTS

John Noak

516 East Monroe Street

Suite 200

Springfield, Illinois - 62701

(217) 785-8477

The full text of the Adopted Amendment begins on the next page.

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH

CHAPTER XI: ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

PART 2510

DATA COLLECTION

Section	Purpose
2510.10	Outside Contractor
2510.20	Collection and Submission of Hospital Financial Data
2510.30	Collection of Medicare Cost Reports
2510.40	Submission of Information on Uniform Billing Form
2510.50	Report of Inpatient Discharges
2510.55	Quarterly Reports
2510.60	Special Studies and Analysis
2510.70	Confidentiality
2510.80	

- APPENDIX A ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL ANNUAL FINANCIAL DATA REPORT
- APPENDIX B MAGNETIC MEDIA RECORD FORMAT
- APPENDIX C UB-82 DATA FIELDS
- APPENDIX D HOSPITAL TRANSMITTAL FOR UB-82 DISCHARGE DATA

AUTHORITY: Implementing Article IV and authorized by Section 2-3 of Article II of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 6504-1 to-6504-5 and-~~par--~~65094-5 et seq. and 6502-3).

SOURCE: Adopted and codified at 9 Ill. Reg. 12756, effective August 5, 1985; amended at 10 Ill. Reg. 18790, effective October 17, 1986; amended at 11 Ill. Reg. 1574, effective January 2, 1987; amended at 12 Ill. Reg. 6102, effective March 21, 1988; amended at 13 Ill. Reg. 334, effective December 30, 1988; amended at 14 Ill. Reg. 2078, effective January 19, 1990.

NOTE: Capitalization denotes statutory language.

Section 2510.55 Report of Inpatient Discharges

- a) Effective within thirty (30) days of the effective date of this Section, each hospital shall provide, in writing to the Executive Director, a list by calendar month of the total number of hospital inpatient discharges including new born discharges for the calendar months of April, 1985 through December, 1986 (in the case of multiple births, each child is counted as a discharge).
- b) Effective with the filing of UB-82 discharge data on or after the effective date of this Section each hospital shall be required to file with each submission of data, the transmittal form shown in Appendix D with items #1 through #6 #7 completed.

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF ADOPTED AMENDMENTS

c) Effective beginning with calendar month January, 1987 1989, each hospital shall within 30 calendar days following the last day of a calendar month, submit in item #7 #8 of Appendix D the actual total number of hospital inpatient discharges for that calendar month.

d) Effective beginning with calendar month January, 1987, each hospital shall within 60 calendar days following the last day of a calendar month, attest in item #8 of Appendix D that they have submitted UB-82 discharge data for 95% of the actual total number of hospital inpatient discharges for that calendar month.

e) Effective beginning with calendar month January, 1987, each hospital shall within 180 calendar days following the last day of a calendar month, attest in item #9 of Appendix D that they have submitted UB-82 discharge data for 100% of the actual total number of hospital inpatient discharges for that calendar month.

f)d) A hospital may submit items #7-, item #8 or #9 in Appendix D either in conjunction with or separately from the submission of UB-82 discharge data.

g)e) All filings required in subsections (a) through f (d) shall be sent to:

Illinois Health Care Cost Containment Council
% Precise Data Service, Attention: Data Control Clerks
7550 Plaza Court
Willowbrook, Illinois 60521

(Source: Amended at 14 Ill. Reg. 2078, effective January 19, 1990).

Section 2510. Appendix D HOSPITAL TRANSMITTAL FOR UB-82 DISCHARGE DATA

- 1) Contact Person-----
- 2) Phone Number--(-----)-----Ext.-----
- 3) Data-Submission-Media:--Hardcopy---Tape---Diskette---Error-Report---
- 4) Period Covered---From---/---/---To---/---/---

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF ADOPTED AMENDMENTS

5) Date-Sent-to-Council--/---/---

6) Number-of-UB-82-Records-by-Month:

Month	

7) Total-number-of-inpatient-hospital-discharges-for-the-calendar-month (MM/YY)

(MM)	(YY)	(Total-Number)

8) I attest that I have submitted UB-82 discharge information for 95% of the actual total number of hospital inpatient discharges for the calendar month(s) ending (MM/YY)

9) I attest that I have submitted UB-82 discharge information for 100% of the actual total number of hospital inpatient discharges for the calendar month(s) ending (MM/YY)

NAME-----TITLE-----

PLEASE SEND THIS TRANSMITTAL SHEET WITH ALL DOCUMENTS AND/OR TAPE AND/OR DISKETTES TO:

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL
% PRECISE DATA SERVICE, ATTENTION: Data Control Clerks
7550 PLAZA COURT
WILLOWBROOK, ILLINOIS 60521

HOSPITAL TRANSMITTAL FOR UB-82 DISCHARGE DATA

INSTRUCTIONS FOR COMPLETION OF APPENDIX D

Items 1 through 6 must be completed for each submission of UB-82 discharge data to the Council.

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF ADOPTED AMENDMENTS

- Item 1: Contact Person:--Enter the name of the individual to be contacted by Council if there are any questions regarding the transmittal;
- Item 2: Phone Number:--Enter the phone number of contact person;
- Item 3: Data Submission Media:--Circle the appropriate media--Hardcopy, UB-82 discharge information, upaper, UB-82 discharge information, Diskette, UB-82 discharge information, or hardcopy, Error Report, with corrections;
- Item 4: Period Covered:--Enter the dates of the earliest and latest UB-82 discharge data included with the submission;
- Item 5: Date Sent to Council:--Enter the date the submission is sent to the Council;
- Item 6: Number of UB-82 Records By Month:--Enter on the top lines the names of each month for which data are being submitted (in reverse chronological order) and on the bottom lines the number of records submitted for the corresponding months. Note:--Each UB-82 is counted as a record. --One discharge which uses two UB-82 forms is counted as two records. Records should be batched by month of discharge;
- Item 7: must be completed and submitted to the Council for each calendar month within 30 days of the end of the calendar month;
- Item 7: Enter the total number of inpatient discharges for the calendar month. For purposes of Council reporting the total number of discharges is defined to include newborn (in the case of multiple births, each child is counted as a discharge) discharges regardless of whether separate UB-82s were issued for the newborns (in the case of multiple births, each child is counted as a discharge);
- Item 8: must be completed and submitted to the Council for each calendar month within 60 days of the end of that calendar month;
- Item 8: Enter the month or months for which 95% of the actual number of hospital inpatient discharges have been submitted and for which the Council has not previously been notified of this fact;
- Item 9: must be completed and submitted to the Council for each calendar month within 180 days of the end of that calendar month;

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- Item 9: Enter the month or months for which 100% of the actual number of hospital inpatient discharges have been submitted and for which the Council has not previously been notified of this fact;
- the hospital's Chief Executive Officer, Chief Operating Officer or Chief Financial Officer must attest to items #8 and #9;
- items #7, #8, and #9 may be submitted either in conjunction with or separately from the submission of UB-82 discharge data;
- In all instances the transmittal form should be sent to:
- ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL
% PRECISE DATA SERVICE, ATTENTION: DATA CONTROL CLERKS
7550 PLAZA COURT
WILLOWBROOK, ILLINOIS 60521

SUBMITTER IDENTIFICATION ITEMS

1) Hospital Name/Address	
2) Hospital ID#	
3) Contact Person	
4) Phone Number () - Ext.	

NOTICE OF ADOPTED AMENDMENTS

RECORD BATCH IDENTIFICATION ITEMS

5) Data Submission Media:	Hard Copy	Tape	Diskette	Error Report
6) Period Covered - From	/	/	To	/
7) Date Sent to Council	/	/		
Number of UB-82 Records by Month:				
Month				
Number				

MONTHLY NUMBER OF ACTUAL HOSPITAL INPATIENT DISCHARGES

8) Total number of inpatient hospital discharges for the calendar month (MM/YY)	
(MM) / (YY) :	(Total Number)

PLEASE SEND THIS TRANSMITTAL SHEET WITH ALL DOCUMENTS AND/OR TAPE AND/OR DISKETTES TO:

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL
% PRECISE DATA SERVICE
7550 PLAZA COURT
WILLOWBROOK, ILLINOIS 60521
ATTENTION: DATA CONTROL CLERKS

HOSPITAL TRANSMITTAL FOR UB-82 DISCHARGE DATA

INSTRUCTIONS FOR COMPLETION

NOTICE OF ADOPTED AMENDMENTS

Items 1 through 4 are to identify the hospital name, hospital 12 digit ID#, and contact persons and must always be completed for each submission of a batch of UB-82 discharge records and/or each submission of information contained in Item 8 to the Council.

SUBMITTER IDENTIFICATION ITEMS

Item 1.	Hospital Name/Address: Enter the complete name and address of the hospital submitting the transmittal.
Item 2.	Hospital ID#: Enter the 12 digit hospital ID# assigned by the Department of Public Aid.
Item 3.	Contact Person: Enter the name of the individual to be contacted by Council if there are any questions regarding the transmittal.
Item 4.	Phone Number: Enter the phone number of contact person.

Items 5 through 7 are to identify characteristics of the batch of records and must always be completed for each submission of a batch of UB-82 discharge records to the Council.

RECORD BATCH IDENTIFICATION ITEMS

Item 5.	Record Submission Media: Check the appropriate medium - "Hard Copy" UB-82 discharge records, "Tape" UB-82 discharge records, "Diskette" UB-82 discharge records, or "Error Report" with corrections made on hard copy.
Item 6.	Period Covered: Enter the dates of the earliest and latest UB-82 discharge records included with the submission.
Item 7.	Date Sent to Council: Enter the date the submission is sent to the Council (PDS). Number of UB-82 Records by Month: Enter on the top lines the names of each month for which dates are being submitted (in reverse chronological order) and on the bottom lines the number of records submitted for the corresponding months. Note: Each UB-82 is counted as a record. One discharge which uses two UB-82 forms is counted as two records. Records should be batched by month of discharge.

ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

NOTICE OF ADOPTED AMENDMENTS

Item 8 is to report the number of actual discharges experienced by the hospital for a calendar month, not the number of discharges submitted to the Council, and must be completed and submitted to the Council within 30 days of the end of each calendar month. Item 8 information is separate and distinct from the information to be contained in Items 5 through 7. When correctly submitted, there are to be 12 Item 8's submitted during each year. Item 8 information can be transmitted without any batched UB-82 discharge records, which would result in items 5 through 7 being blank.

MONTHLY NUMBER OF ACTUAL HOSPITAL INPATIENT DISCHARGES

Item 8. Enter the total number of inpatient discharges for the calendar month. For purposes of Council reporting, the total number of discharges must include newborn discharges of regardless whether separate or combined. UB-82 records were issued for the newborns.

(Source: Amended at 14 Ill. Reg. 2078, effective January 19, 1990)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Premium Fund Trust Account
- 2) Code Citation: 50 Ill. Adm. Code 3113
- 3) Section Numbers: Adopted Action:
3113.50 Amended
3113.60 Amended
- 4) Statutory Authority: Implementing Sections 505.1, 506.1 and 508.1 of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, pars. 1065.52-1, 1065.53-1 and 1065.55-1)
- 5) Effective Date of Amendments: January 19, 1990
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: December 29, 1989
- 9) Notice of Proposal Published in Illinois Register: August 11, 1989, 13 Ill. Reg. 12935
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Differences between proposal and final version:
a) The Authority Note was rewritten as per the directions of the Administrative Code Division of the Secretary of State.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No
changes were required by agreement with JCAR
- 13) Will this amendment replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Information and questions regarding this adopted amendment shall be directed to:

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

Ron Hartsock
 Illinois Department of Insurance
 320 W. Washington Street
 Springfield, Illinois 62767
 (217) 782-4515

The full text of the Adopted Amendment begins on the next page.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF INSURANCE

SUBCHAPTER ii: INSURANCE PRODUCERS, LIMITED INSURANCE REPRESENTATIVES AND REGISTERED FIRMS

PART 3113

PREMIUM FUND TRUST ACCOUNT

Section
 3113.10 Authority (Repealed)
 3113.20 Purpose and Scope
 3113.30 Definitions
 3113.40 Premium Fund Trust Account
 3113.50 Minimum Record Requirements
 3113.60 Return Premiums
 3113.70 Severability
 EXHIBIT A Consent and Authorization Form

AUTHORITY: Implementing Sections 505.1, 506.1 and 508.1 and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, pars. 1065.52-1, 1065.53-1, 1065.55-1 and 1013).

SOURCE: Adopted at 4 Ill. Reg. 15, p. 194, effective April 11, 1980; amended at 6 Ill. Reg. 12474, effective September 30, 1982; codified at 6 Ill. Reg. 12471; amended at 8 Ill. Reg. 15546, effective January 1, 1985; amended at 14 Ill. Reg. 2088, effective January 19, 1990.

Section 3113.50 Minimum Record Requirements

- a) Licensees shall maintain books and records which reflect all insurance transactions, specifically in regard to premiums and other monies received and deposited into the PFTA and lawfully withdrawn from the PFTA. The preparation, journalizing and posting of such books and records must be performed no less than every 30 days.
- b) Failure to maintain on a timely basis the minimum books and records pursuant to this Part shall be deemed evidence of untrustworthiness, incompetence and financial irresponsibility. For the purpose of this subsection timely means not less than every 30 days.
- c) All books and records for a calendar or fiscal year shall be maintained for at least 7 years thereafter.
- d) Licensees shall maintain a cash receipts of all monies

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENT(S)

received. The minimum detail required in the register shall be:

- 1) Date monies received and date deposited. If the licensee records the date of deposit of each cash receipt elsewhere in his books and records the date of deposit is not required in the cash receipts register.
- 2) Amount received - If the amount received does not agree with the amount billed, the licensee shall prepare a written record of the application of the amount received.
- 3) Name of insured, licensee or insurer making the payment.
- 4) Name of insured, licensee or insurer to whom the amount will be paid.
- 5) Policy number or other description of the receipt. The description shall be in such detail as to permit the Department's examiner to identify the source document substantiating the receipt.
- e) Licensee shall maintain a cash disbursement register of all disbursements. The minimum detail required in the register shall be:
 - 1) Date disbursed or endorsed to insurer(s), other licensee(s), insured or transferred to another account; and
 - 2) Check number; and
 - 3) Amount disbursed - If the amount disbursed does not agree with the amount billed, the licensee shall prepare a written record as to which policies, insureds and amounts the disbursement is to apply. The written record shall be sent with the disbursement and a copy maintained by the licensee; and
 - 4) Name of insurer, licensee, insured to other account pursuant to Section 3113.40(g) to whom the payment or transfer was made; and
 - 5) Policy number or other description of the disbursement. The description shall be in such detail to identify the source document substantiating the purpose of the disbursement; and
 - 6) If the disbursement represents net premium; the register shall reflect the gross premium; and
 - 7) If the disbursement is a commission payment to the licensee or another licensee, the

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENT(S)

disbursement shall be supported by a written record of the following:

- A) Name of insured;
- B) Policy number;
- C) Gross premium;
- D) Commission rate;
- E) Net commission (Equals the amount of the PFTA check);
- F) Check number to which the written record applies.

- 8) Commission may be withdrawn only on premiums deposited into PFTA. The relationship between premium deposited and the commission withdrawal for that premium deposit must be documented in writing.
- 9) If the disbursement is for other non-premium monies previously deposited into the PFTA, the disbursement description shall reflect the matching non-premium deposit which the withdrawal represents.

- f) All PFTA journal entries for receipts and disbursements shall be supported by evidential matter as provided in Sections 3113.50(d) and 3113.50(e). The evidential matter must be referenced in the journal entry so that it may be traced for verification.
- g) Licensees shall prepare and maintain monthly financial institution account reconciliations of the PFTA.
- h) Licensees shall maintain positive running balances in the PFTA. The positive balance shall be reflected in the check stubs or disbursement register after each deposit or disbursement entry.

(Source: Amended at 14 Ill. Reg. 2088 effective January 19, 1990)

Section 3113.60 Return Premiums

- a) Return premiums must be paid to the insured or credited to the insured's account within 15 days after receipt from the insurer or other licensee. If the return premium is reflected as a credit on the licensee's billing statement from the insurer or other licensee, the licensee must pay the return premium or credit the insured's account within 15 days subsequent to payment of the statement or the due date of the statement whichever is sooner. If the return premium is to be credited to the insured's account, the credit must be shown and applied to the next billing statement sent to the insured.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENT(S)

- b) If the credit is going to be held on the insured's account and the account reflects a credit balance, the licensee must send monthly written notification to the insured which clearly reflects a credit owed to the insured. If the credit results in a credit balance on the insured's account the credit must be returned within 15 days unless the licensee receives written authorization from the insured to retain the credit balance and other developed credit balances for a period of not more than 12 months from the date of authorization. Such authorization must contain a notification to the insured that he has the right to withdraw the authorization in writing and that the return premium will be refunded within 15 days of the authorization withdrawal. A copy of the authorization must be maintained in the licensee's file and a copy file must be given to the insured at the time that the authorization is obtained. If authorization is obtained, the licensee must send monthly written notification to the insured which clearly reflects a credit owed to the insured.

(Source: Amended at 14 Ill. Reg. 2088 effective January 19, 1990)

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF EMERGENCY RULES

- | | |
|----------------------------|----------------------------|
| 1) <u>Heading of Part:</u> | Affordable Housing Program |
| 2) <u>Code Citation:</u> | 47 Ill. Adm. Code 360 |
| 3) <u>Section Numbers:</u> | <u>Emergency Action:</u> |
| 360.101 | New Section |
| 360.102 | New Section |
| 360.103 | New Section |
| 360.104 | New Section |
| 360.105 | New Section |
| 360.106 | New Section |
| 360.107 | New Section |
| 360.108 | New Section |
| 360.109 | New Section |
| 360.110 | New Section |
| 360.111 | New Section |
| 360.112 | New Section |
| 360.113 | New Section |
| 360.114 | New Section |
| 360.201 | New Section |
| 360.202 | New Section |
| 360.203 | New Section |
| 360.301 | New Section |
| 360.302 | New Section |
| 360.303 | New Section |
| 360.304 | New Section |
| 360.305 | New Section |
| 360.306 | New Section |
| 360.307 | New Section |
| 360.308 | New Section |
| 360.309 | New Section |
| 360.310 | New Section |
| 360.401 | New Section |
| 360.402 | New Section |
| 360.501 | New Section |
| 360.502 | New Section |
| 360.503 | New Section |
| 360.504 | New Section |

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF EMERGENCY RULES

360.505
360.506
360.507

New Section
New Section
New Section

360.601
360.602
360.603

New Section
New Section
New Section

360.604
360.605
360.606

New Section
New Section
New Section

360.701

New Section

360.801
360.802
360.803
360.804

New Section
New Section
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New Section

360.901
360.902
360.903
360.904
360.905
360.906

New Section
New Section
New Section
New Section
New Section
New Section

360.1001

New Section

360.1101
360.1102

New Section
New Section

- 4) Statutory Authority: Sections 4 and 7(e) of the Illinois Affordable Housing Act (Ill.Rev. Stat. 1987, ch. 67 1/2, par. 1254 and 1257) and Sections 7.19 and 7.25 of the Illinois Housing Development Act (Ill.Rev.Stat. 1987, ch. 67 1/2, pars. 307.19 and 307.25).

- 5) Effective Date of Rules: January 22, 1990

- 6) Date Filed in Agency's Principal Office: December 15, 1989

- 7) Reason for Emergency:

The Illinois General Assembly passed the Illinois Affordable Housing Act ("Act"), Public Act 86-0925, to address the severe shortage of affordable, decent, safe and sanitary housing for Illinois' low and

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF EMERGENCY RULES

very low income persons. The Act creates an Advisory Commission and requires that any proposed rules be reviewed by the Advisory Commission. Because the Advisory Commission was not appointed and confirmed until November, 1989, program rules could not adequately be reviewed by the Advisory Commission until December, 1989. The General Assembly recognized the urgent need to begin operations of this program by specifically providing the Program Administrator (Illinois Housing Development Authority) with the power to issue emergency rules to implement the program. The desperate need for affordable housing requires that this part be submitted on an emergency basis.

- 8) A Complete Description of the Subjects and Issues Involved:

This Part establishes the procedures for operation of the Illinois Affordable Housing Program. The Illinois Affordable Housing Program was created to provide for the making of loans and grants to acquire, construct, rehabilitate, develop, operate, insure and retain affordable single-family and multi-family housing for low-income and very low-income households.

- 9) Are there any proposed rules to this Part pending? Yes, these same rules are simultaneously being proposed on a non-emergency basis.

- 10) Statement of Statewide Policy Objectives: This emergency rulemaking creates a statewide program to create and retain affordable housing for low and very low income persons and families.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested parties may submit comments, data, views or arguments concerning this rulemaking in writing to: Robert Grossinger, 401 N. Michigan, Suite 900, Chicago, Illinois 60611. The Authority will consider all written comments received at the above address within 45 days of the date of publication of this notice.

The full text of the emergency rule is as follows:

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NOTICE OF EMERGENCY RULES

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITYPART 360
AFFORDABLE HOUSING PROGRAM
SUBPART A: GENERAL RULES

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360.102 EMERGENCY	Definitions
360.103 EMERGENCY	Borrowing by the Authority
360.104 EMERGENCY	Compliance with Federal Law
360.105 EMERGENCY	Standards - Criteria
360.106 EMERGENCY	Forms and Procedures for the Program
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360.201 EMERGENCY	Eligible Recipients
360.202 EMERGENCY	Eligible Beneficiaries
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360.504 EMERGENCY	Audits
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- Non-Discrimination
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AUTHORITY: Sections 4 and 7(e) of the Illinois Affordable Housing Act (Ill. Rev. Stat. 1987, ch. 67 1/2, pars. 1254 and 1257) and Sections 7.19 and 7.25 of the Illinois Housing Development Act (Ill. Rev. Stat. 1987, ch. 67 1/2, Pars. 307.19 and 307.25).

SOURCE: Emergency Rules Adopted at 14 Ill. Reg. 2094, effective January 22, 1990 for a maximum of 150 days.

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SUBPART A: GENERAL RULES

Section 360.101 Authority
EMERGENCY

This Part is authorized by and made pursuant to Public Act 86-0925 and shall govern the Program.

Section 360.102 Purpose and Objectives
EMERGENCY

This Part is established to accomplish the general purposes of the the Affordable Housing Act and in particular the making of grants, mortgages or other loans to acquire, construct, rehabilitate, develop, operate, insure and retain affordable single-family and multi-family housing for low-income and very low-income households.

Section 360.103 Definitions
EMERGENCY

As used in this Part, the following words or terms mean:

"Act": The Illinois Housing Development Act (Ill. Rev. Stat. 1987 ch. 67 1/2, pars. 301 et seq.).

"Advisory Commission": The Affordable Housing Advisory Commission.

"Affordable housing": Residential housing that, so long as the same is occupied by low-income households or very low-income households, requires payment of monthly housing costs, including utilities other than telephone, of no more than 30% of adjusted income.

"Affordable Housing Act": The Illinois Affordable Housing Act, Public Act 86-0925, effective September 15, 1989.

"Applicant": The person or entity applying for an allocation of monies from the Trust Fund.

"Authority": The Illinois Housing Development Authority.

"Bonds": The bonds issued by the Authority from time to time to finance the Program.

"Clearinghouse": A State, regional, or metropolitan agency designated by the Governor or the Authority or established by

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State statute to provide notice to appropriate State and local agencies of proposed Developments and to review such Developments.

"Construction Completion Date": The date that construction of a Development is substantially completed, as approved by the Authority in writing.

"Cost Certification Cutoff Date": The last day of the month in which the Construction Completion Date falls.

"Congregate housing": A building or structure in which 2 or more households, inclusive, share common living areas and may share child care, cleaning, cooking and other household responsibilities.

"Development": A multifamily housing project consisting of the Real Estate, together with all improvements, buildings, equipment, and personal property appurtenant thereto.

"Development Funds": All cash, rent subsidies, gross Development income, bank accounts, certificates of deposit, trust funds, reserves, escrows, accounts receivable, and other such assets of a Development.

"Director": The Director of the Authority.

"Final Closing Date": The date on which the Authority issues its final closing memorandum.

"Initial Closing Date": The date on which the Authority issues its initial closing memorandum.

"Low-income household": A single person, family or unrelated persons living together whose adjusted income is more than 50%, but less than 80%, of the median income of the area of residence, adjusted for family size, as such adjusted income and median income for the area are determined from time to time by the United States Department of Housing and Urban Development for purposes of Section 8 of the United States Housing Act of 1937.

"Members": The Members of the Authority.

"Moderate income household": A single person, family or unrelated persons living together whose adjusted income is more than 80% but less than 120% of the median income of the area of residence, adjusted for family size, as such adjusted income and median income for the area are determined from time to time by

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the United States Department of Housing and Urban Development for purposes of Section 8 of the United States Housing Act of 1937.

"Mortgage": The mortgage or other instrument in the nature of a mortgage, together with any supplements thereto and amendments or modifications thereof, executed as security for a Mortgage Loan.

"Mortgage Loan": The loan from the Authority to a Mortgagee to be used for the acquisition of the Real Estate or for the planning, construction, rehabilitation, development, completion, or financing of a Development.

"Mortgage Note": The document executed as evidence of a Mortgagee's indebtedness under a Mortgage Loan and any supplements thereto and modifications or amendments thereof.

"Mortgagor": The person or entity holding legal title to a Development or Single-family Development and who has executed and delivered to the Authority the Mortgage and Mortgage Note.

"Multi-family Housing": A building or buildings providing housing to 5 or more households.

"Nonprofit Corporation": A nonprofit corporation incorporated pursuant to the provisions of the Illinois General Not-for-Profit Corporation Act or the State Housing Act of 1932 and having articles of incorporation which, in addition to meeting other requirements of law, meet the requirements of the Act and the Affordable Housing Act.

"Notes": The notes issued by the Authority from time to time to finance the Program.

"Owner": The person or entity holding legal title to a Development or Single-family Development or, when the Real Estate is held in an Illinois land trust, the entity owning the beneficial interest in a Trust.

"Part": This Part 360.

"Program": The Illinois Affordable Housing Program.

"Real Estate": The real property upon which a Development is to be or has been constructed.

"Recipient": The proprietorship, partnership, for-profit corporation, not-for-profit corporation or until of local

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government which receives Trust Fund monies from the Authority.

"Rules": The rules and regulations of the Authority as supplemented and amended from time to time.

"Single-family Development": A single-family housing project consisting of the Real Estate together with all improvements, buildings, equipment, and personal property appurtenant thereto.

"Single-family Housing": A building containing one to 4 dwelling units, including a mobile home as defined in subsection (b) of Section 203 of the Mobile Home Landlord and Tenant Rights Act (Ill. Rev. Stat. 1987 ch. 80, pars. 201 et seq.)

"Staff": The Director and the employees of the Authority.

"State": The State of Illinois.

"Tenant": The person or family leasing a dwelling unit in a Development.

"Tenant Selection Plan": The tenant selection plan approved by the Authority for a Development.

"Trust": The Illinois land trust which holds legal title to a Development or Single-family Development.

"Trustee": The Trustee of an Illinois land trust holding legal title to a Development.

"Trust Fund": The Illinois Affordable Housing Trust Fund.

"Utility allowance": The cost of utilities, except telephone, based on reasonable consumption of these utilities.

"Very low-income household" means a single person, family or unrelated persons living together whose adjusted income is not more than 50% of the median income of the area of residence, adjusted for family size, as such adjusted income and median income for the area are determined from time to time by the United States Department of Housing and Urban Development for purposes of Section 8 of the United States Housing Act of 1937.

Section 360.104 Borrowing by the Authority
EMERGENCY

To the extent allowed by applicable Federal law, the Act and the Affordable Housing Act, the Authority may borrow funds with which to make Mortgage Loans

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under the Program.

Section 360.105 Compliance with Federal Law
EMERGENCY

Notwithstanding anything herein to the contrary, this Part shall be construed in conformity and compliance with applicable Federal law.

Section 360.106 Standards-Criteria
EMERGENCY

In administering the Program, the Authority, the Director, and the Staff shall in the exercise of discretion consider, in addition to the criteria specifically set forth in this Part;

- a) the purposes of the Program to provide affordable, decent, safe, and sanitary housing;
- b) the requirements of applicable State and Federal law;
- c) the financial condition and previous experience of the Applicant;
- d) local government and community support for the Development;
- e) suitability of Development location;
- f) cost efficiency;
- g) energy efficiency;
- h) affordability to low-income and very low-income households;
- i) amount of Trust Fund monies requested per unit;
- j) term of the loan; other sources of financing;
- k) secured position of the loan;
- l) equity contribution of Applicant;
- m) amount and appropriateness of non-construction costs; and
- n) results of site and market study, if applicable.

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Section 360.107 Forms and Procedures for the Program
EMERGENCY

The Staff may prepare, use, supplement, and amend such forms, agreements, and other documents and such procedures as may be necessary to implement the Program, all as may be prescribed by the Director.

Section 360.108 Fees and Charges of the Authority
EMERGENCY

In connection with the Program, the Authority may establish and collect such fees and charges as may be necessary. Such fees and charges shall be deposited in the Trust Fund.

Section 360.109 Waiver
EMERGENCY

By resolution the Members may waive or vary, after review by the Advisory Commission, particular provisions of this Part to conform with the requirements of applicable State or Federal law or, in exceptional circumstances, to conform with the determination of the Authority that the application of such provisions may result in undue hardship or an unreasonable result.

Section 360.110 Amendment
EMERGENCY

This Part may be supplemented, amended, or repealed by the Members, after consultation with the Advisory Commission, from time to time and in such manner as they may determine consistent with this Part, the Act, the Affordable Housing Act and other applicable provisions of law. This Part shall not constitute or create any contractual rights.

Section 360.111 Severability
EMERGENCY

If any clause, sentence, paragraph, subsection, section, or subpart of this Part be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subsection, section, or subpart thereof as to which such judgment is rendered.

Section 360.112 Gender and Number
EMERGENCY

All terms used in any one gender or number shall be construed to include any other gender or number as the context may require.

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Section 360.113 Titles and Captions
EMERGENCY

Titles and captions of subparts, sections, and subsections are used for convenience and reference and are not a part of the text.

Section 360.114 Calendar Days
EMERGENCY

Days shall mean calendar days. Due dates falling on a Saturday, Sunday, or legal State or Federal holiday shall be deemed to fall on the next calendar day that is not a Saturday, Sunday, or a legal State or Federal holiday.

SUBPART B: ELIGIBILITY

Section 360.201 Eligible Recipients
EMERGENCY

The following entities are eligible to receive funds under the Program: a proprietorship, partnership, for-profit corporation, not-for-profit corporation or unit of local government.

Section 360.202 Eligible Beneficiaries
EMERGENCY

Funds from the Trust Fund may be expended only for the benefit of low income and very low income households. The majority of funds appropriated by the Illinois General Assembly to the Trust Fund for each fiscal year shall be expended for the benefit of very low-income households.

Section 360.203 Eligible Activities
EMERGENCY

Trust Fund monies may be expended for the following purposes: acquisition, rehabilitation, or new construction of a structure, the adaptive reuse of an existing structure, construction loans, predevelopment loans, gap financing, mortgage insurance, rental subsidies, down payment and security deposit assistance, interest rate writedown and construction cost write down.

SUBPART C: APPLICATION

Section 360.301 Application
EMERGENCY

Applicants seeking monies from the Trust Fund shall submit to the Authority a completed application form prescribed by the Authority together with a nonrefundable application fee in the amount of \$250.

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Section 360.302 Form
EMERGENCY

The Authority shall develop an application form to be used by all applicants.

Section 360.303 Review
EMERGENCY

Upon receipt of a completed application the Staff shall determine whether the application meets the requirements of Subpart B of this Part; and, whether all other requirements of this Part and the Affordable Housing Act are met. If the Staff determines that the application fails to meet any of these requirements, the Authority shall notify the Applicant on a form prepared by the Authority.

Section 360.304 Initial Meeting
EMERGENCY

If the Authority determines that the application meets the requirements of this Part and the Affordable Housing Act, the Staff shall meet with the Applicant to establish what additional information, if any, is required in order to allow Staff to make a recommendation on the application to the Advisory Commission.

Section 360.305 Site and Market Study
EMERGENCY

The Staff may conduct a site and market study to assist in the preparation of the feasibility determination discussed in Section 360.306.

Section 360.306 Feasibility Determination
EMERGENCY

The Staff, after reviewing the application, any additional information submitted by the Applicant and any information generated by Staff, shall determine whether the proposed development is feasible.

Section 360.307 Staff Recommendation
EMERGENCY

After making the feasibility determination, the Staff shall prepare a recommendation for presentation to the Advisory Commission. The Staff shall inform the Advisory Commission, as to each application, whether an application is being recommended for funding, not recommended for funding or rejected due to being ineligible for funding.

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Section 360.308 Advisory Commission
EMERGENCY

The Staff will present its recommendation on each application to the Advisory Commission, together with a summary of the application, the feasibility determination and any other information relied upon by Staff to make its recommendation.

Section 360.309 Authority Determination
EMERGENCY

The Staff shall present all recommendations to distribute Trust Fund monies, together with the recommendations of the Advisory Commission, to the Members. Funds from the Trust Fund can only be allocated pursuant to resolution by the Members.

Section 360.310 Conditional Commitment
EMERGENCY

After approval of an application by the Members, the Staff shall prepare and deliver to the Applicant a conditional commitment which contains the Authority's commitment to allocate Trust Fund monies conditioned upon the applicant meeting the requirements of the conditional commitment and the availability of funds in the Trust Fund. The conditional commitment may remain in effect for only one year.

SUBPART D: NOTICE

Section 360.401 Notification by Authority
EMERGENCY

a) Notice of Allocation

Prior to the presentation of an application to the Members, the Authority shall give written notice of the proposed allocation to the following persons and agencies:

- 1) the chairman of the county board of the county in which the proposed Development is to be located;
- 2) the mayor or other chief executive of the municipality, if any, in which the proposed Development is to be located;
- 3) the appropriate Clearinghouses; and
- 4) each member of the General Assembly from the legislative district in which the proposed Development is to be located.

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If the application does not request Trust Fund monies for a specific Development, the notice will be sent based on the location of the Applicant.

b) Forms

Notice under this section shall be made on forms prepared by the Authority.

c) Contents

The notice shall set forth the name and address of the Applicant; the estimated amount of the allocation; if applicable, the name and address of the proposed Development; type of any subsidies; the total number of units; the type of Development (for example, elderly, family, or handicapped); and any other information that the Authority deems relevant.

Section 360.402 Comments and Responses
EMERGENCY

a) Comments

The persons and agencies receiving notice pursuant to Section 360.401 shall have 30 days from the date of mailing to submit written comments to the Applicant.

b) Applicant's Response

The Applicant shall respond in writing to all comments received under this Section, as well as to any other written comments received by the Applicant, and shall provide copies of all comments and responses to the Authority.

- c) The Members shall consider all comments received pursuant to this Section when making their determination.

SUBPART E: OWNER

Section 360.501 Eligible Mortgageors
EMERGENCY

The Authority may make Mortgage Loans under the Program to Applicants eligible under Section 360.201 and Trustees. The Owner of the Development shall at all times be an Applicant eligible under Section 360.201 or a Trustee. If the Authority learns that an Owner is not an Applicant eligible under Section 360.201 or a Trustee, then the Authority shall take the action, if any, specified in the Mortgage Loan documents.

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Section 360.502 Land Trusts
EMERGENCY

Whenever title to the Real Estate is held in an Illinois land trust, the agreement creating the Trust and establishing the respective rights, powers, and duties of the Trustee and Owner shall be in a format approved by the Authority. The Authority shall approve such format if it meets the legal requirement necessary to create a valid Illinois land trust and complies with the Act and this Part as determined by the Authority. The deed in Trust and Trust agreement shall be in compliance with the Act and this Part, as determined by the Authority. Any Trust agreement shall not be amended or revoked without the prior written approval of the Authority. Upon either the request of the Owner or the Authority, the Trustee shall furnish the Authority with copies of the Trust agreement and all records in its possession relating to the Trust agreement, the Real Estate, and the Development. The Authority shall request such documents when it believes there is non-compliance with the Act or this Part. The Trust agreement and the Mortgage Loan documents shall require such Authority approvals of, and impose such restrictions on, the conveyance, assignment, leasing, mortgaging, pledging or other transfer, directly or indirectly, by operation of law (for example, bankruptcy proceedings), or otherwise, of the Development, and the beneficial interest in and power of direction over the Trust, or any partnership interest or stock ownership interest in the beneficiary of the Trust.

Section 360.503 Books and Records
EMERGENCY

The books and records of the Development shall be subject to inspection, examination, and copying by the Authority and its authorized representatives or agents at such times as the Authority reasonably requires for the purpose of determining compliance with the Rules, the Act, the Affordable Housing Act and all contracts and agreements relating to the Program. The books and records of the Owner, if separate from the books and records of the Development, shall be subject to inspection, examination, and copying by the Authority and its authorized representatives or agents at such times as the Authority reasonably requires. If the allocation is made to a Recipient to be disbursed or used for more than one Development or Single-family Development, the books and records of the Recipient shall be subject to inspection, examination and copying by the Authority and its authorized representatives or agents at such times as the Authority reasonably requires.

Section 360.504 Audits
EMERGENCY

The Development and offices, architectural plans and specifications, apparatuses, devices, books and records, contracts, documents, and other papers relating thereto shall at all times be maintained in reasonable

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condition for proper audit and shall be subject to inspection, examination, and copying by the Authority and its authorized representatives or agents at such times as the Authority reasonably requires. All audits, certifications, and financial reports which the Recipient is required by contract with the Authority to allow, undertake, or prepare shall be made by an independent certified public accountant acceptable to the Authority.

Section 360.505 Annual Financial Report
EMERGENCY

Within sixty days of the end of the calendar year, the Owner shall furnish the Authority with a complete annual financial report based upon the books and records of the Development and the Owner, prepared in accordance with Authority requirements, and certified by the Owner and an independent certified public accountant acceptable to the Authority.

If the allocation is made to a Recipient to be disbursed or used for more than one Development or Single-family Development, the Authority may require the Recipient to submit a complete annual financial report prepared in accordance with Authority requirements.

Section 360.506 Furnishing Information
EMERGENCY

The Owner or Recipient shall furnish such reports, projections, certifications, analyses, budget, operating report and tax returns as required by applicable Federal or State statutes, regulations, or subsidy or assistance programs or by the Authority, and shall furnish specific answers to the Authority's questions about the Owner's or applicant's income, assets, liabilities, and contracts and, if applicable, about the administration, operation, maintenance, occupancy, financial soundness, and physical condition of the Development.

Section 360.507 Standards for Approval of Conveyance
EMERGENCY

In determining whether to approve and/or impose restrictions on the conveyance, assignment, leasing, mortgaging, pledging or other transfer over the Development; and the beneficial interest in and power of direction over the Trust, or any partnership interest or stock ownership interest in the beneficiary of the Trust as provided under Section 360.502; the Authority shall grant such approval, with any necessary restrictions, if the Authority determines that such action will not have an adverse impact upon the financial stability of the Development or tax-exempt status of the Bonds.

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SUBPART F: MORTGAGE LOAN AND GRANTS

Section 360.601 Maximum Mortgage Loan Amount
EMERGENCY

Mortgage Loans shall not exceed \$500,000.00 for each application.

Section 360.602 Maximum Grant Amount
EMERGENCY

Grants on behalf of single very low-income family shall not exceed to \$5,000. Grants on behalf of any single low-income family shall not exceed to \$2,500. Grants to organizations or corporations are limited to \$500,000.00 for each application. Grants are not available to for-profit entities.

Section 360.603 Increase Above Maximum Mortgage Loan Amount
EMERGENCY

Nothing contained in this section shall prohibit the Authority from increasing the amount of a Mortgage Loan above the limitations specified herein if the Authority, in its sole discretion, determines that such increase is necessary to meet the purposes of the Affordable Housing Act. In deciding whether to approve a Mortgage Loan increase, the Authority shall consider the physical condition of the Development, the value of the Development as security for the Mortgage Loan, the Authority's ability to provide such Mortgage Loan increase, the ability of the Owner to repay the Mortgage Loan and Mortgage Loan increase out of gross Development income, the financial status of the Development and any other relevant factors.

Section 360.604 Amortization
EMERGENCY

The maximum term of a Mortgage Loan to be made by the Authority under this Program shall not exceed 40 years and may be shorter at the sole discretion of the Authority.

Section 360.605 Recapture of Assistance
EMERGENCY

Within each set of Mortgage Loan documents the Authority shall establish requirements regarding use, occupancy and rent levels and other provisions. Such requirements shall provide that if the Recipient violates any of these requirements, such violation shall be deemed a default under the Mortgage Loan documents.

Section 360.606 Prepayment of Mortgage Loan
EMERGENCY

The Authority shall prohibit the prepayment of a Mortgage Loan for a

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Development if such prepayment shall result in the Development becoming unaffordable for low-income or very low-income households.

SUBPART G: CONSTRUCTION

Section 360.701 Design and Construction Standards
EMERGENCY

Developments financed by Mortgage Loans under the Program shall be designed and constructed or rehabilitated to conform with applicable Federal, State, and local statutes, regulations, ordinances, standards, and codes, with industry practices in Illinois, and with the requirements of applicable Authority Rules, contracts, agreements, guides, and other documents.

SUBPART H: MARKETING AND MANAGEMENT

Section 360.801 Marketing and Management
EMERGENCY

a) Responsibility. It shall be the responsibility of the Owner of a Development to provide for the marketing and management of the Development in a manner satisfactory to the Authority so as to promote the purposes of the Program and the financial stability of the Development and to preserve the value of the Authority's security interest in the Development.

b) All marketing and management contracts shall be acceptable to the Authority pursuant to Section 360.802.

Section 360.802 Marketing and Management Plans
EMERGENCY

a) Approval. Before the Authority makes a Mortgage Loan for a Development or at such other time as required by the Authority, the Authority may require the Applicant to submit for the Authority's approval plans for the marketing and management of the Development. In deciding whether to approve such plans, the Authority shall consider the purposes of the Program; the provisions of the Tenant Selection Plan; any applicable Federal and State statutes and regulations; and any other relevant matters.

b) Contents of Marketing Plan. The marketing plan shall set forth the policies and procedures to be used by the marketing agent in marketing the Development and shall address the qualifications of the marketing agent; the nature of the market to be served by the Development; the dates of availability of occupable units by type and location; the dates of availability and locations of Development facilities essential to the marketing campaign, including model

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units, the rental office, and the community building; compliance with all Fair Housing requirements; and the promotion of the Development, including the use of mass media, public relations, brochures, signs, equipment and furnishings for model units and the rental office, and marketing staff.

- c) Contents of Management Plan. The management plan shall set forth the policies and procedures to be used in the management of the Development and shall, if applicable, address the qualifications of the managing agent; procedures for recruiting and supervising management personnel; and physical maintenance of the Development.

- d) Owner's Responsibility. The Owner shall be responsible for ensuring the marketing agent's and the managing agent's compliance with all applicable ordinances, regulations, statutes, and Authority Rules, agreements, and requirements.

Section 360.803 Maintenance
EMERGENCY

The Owner shall maintain the Development, including without limitation, the dwelling units, commercial facilities, and grounds and equipment related to the Development, in a decent, safe, and sanitary condition, in a tenantable and rentable state of repair, and in compliance with applicable Federal, State, and local statutes, regulations, ordinances, standards and codes.

Section 360.804 Cost of Services
EMERGENCY

The Owner shall not pay more for administrative, operating, and maintenance expenses than is reasonable given the location and size of the Development, the level of administration, operation, and maintenance required by the applicable Authority Rules and agreements, the requirements of the marketing plan, management plan, and Tenant Selection Plan, the uniqueness or quality of available services or supplies, the presence of an emergency or other time constraint, the creditworthiness of suppliers and contractors, and any other relevant factors.

SUBPART I: TENANTS AND OCCUPANCY

Section 360.901 Displacement
EMERGENCY

Recipients shall not cause the permanent displacement of any Tenants in a Development that receives Trust Fund monies for rehabilitation except as provided in Section 360.903.

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Section 360.902 Relocation Plan Approval
EMERGENCY

Prior to the Initial Closing Date, the Recipient shall submit a relocation plan to the Authority and receive approval for the relocation plan from the Staff.

Section 360.903 Relocation Plan
EMERGENCY

The following policies apply to temporary relocation or permanent displacement of tenants from a Development receiving funds from the Trust Fund. The policies apply only to lawful residential tenants (not owner-occupants or businesses) who are temporarily relocated or permanently displaced following submission of the Recipient's application to the Authority or following Recipient's control of the site. The following policies do not apply to tenants who commence occupancy after the Recipient obtains ownership of the Development, if the Recipient provides them with adequate notice of the impending rehabilitation and possible relocation or displacement; or if their tenancy is terminated for serious or repeated violations of the terms and conditions of the lease; violation of applicable Federal, State or local law; or other good cause including but not limited to failure to meet the requirements of the Tenant Selection Plan. (Good cause does not include terminations because of Recipient's participation in the Program.)

- a) Tenants will not be required to move permanently from the property (building or complex) unless (i) the Authority has approved a relocation plan, (ii) tenants have received adequate, advance written notice and appropriate advisory services, (iii) tenants have been given a reasonable choice of opportunities to relocate to suitable replacement housing, and (iv) tenants will receive reimbursement for reasonable moving expenses.
- b) Tenants will not be required to move temporarily from the property (building or complex) unless (i) tenants have received adequate, advance written notice and appropriate advisory services, (ii) suitable temporary housing is available, (iii) the temporary relocation period will not exceed 12 months, and (iv) tenants will receive reimbursement for reasonable out-of-pocket expenses incurred in connection with the temporary relocation, including moving costs to and from temporary housing and increases in monthly housing costs.

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- c) The Recipient is responsible for assuring that all the relocation requirements are met. The Authority may monitor the relocation activities to determine compliance with the requirements of this Subpart. To enforce the provisions of this Subpart, the Authority may take whatever action is available under this Subpart or the Mortgage Loan documents, including the withholding of any Trust Fund monies due Owner.

Section 360.904 Tenant Selection Plan
EMERGENCY

Before making a Mortgage Loan, grant or any other allocation under the Program, the Authority shall approve, where applicable, a Tenant Selection Plan submitted by the Applicant and setting forth the income limits for Tenants of the Development. In approving the Tenant Selection Plan, the Authority shall consider whether the selection procedures will: be equitable, considering the family size and circumstances of the Tenant; maintain the financial stability of the Development; meet the requirements of Section 360.905; and, comply with the Authority's Rules.

Section 360.905 Income and Rent Limits
EMERGENCY

- a) A Tenant's initial occupancy of a unit held available for rental to persons and families of low and very low income as defined herein shall be limited to persons and families initially meeting the income limits set for in subsection (b). If a Tenant meeting income requirements at the time of initial occupancy subsequently fails to continue to meet such requirements, that failure shall not constitute non-compliance by that Tenant.

b) Determination of Income Limits

- 1) For all units reserved for low-income households, the income limits shall be equal to 80% of the median family income with adjustments for family size, for the area in which the Development or Single-Family Development is located, as such median income is determined from time to time by the United States Department of Housing and Urban Development for purposes of Section 8 of the United States Housing Act of 1937.

- 2) For all units reserved for very low-income households, the income limits shall be equal to 50% of the median family income with adjustments for family size, for the area in which the Development or Single-Family Development is located, as such median income is determined from time to time by the United States Department of Housing and Urban Development for purposes

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of Section 8 of the United States Housing Act of 1937.

- 3) The Owner shall obtain from each prospective Tenant intending to occupy a unit held available for rental to persons and families of low or very low-income and on an annual basis thereafter a certification of income. The Owner shall submit such certification to the Authority by mail.

c) Determination of Rent Limits

- 1) For all units reserved for low income persons or families, rents, including a utility allowance, shall not exceed 30% the median family income amount as determined under subsection (b)(1). The amount allocated for the utility allowance shall be determined by the Recipient and approved by the Authority.
- 2) For all units reserved for very low-income persons or families, rents, including a utility allowance, shall not exceed 30% of the median family income as determined under subsection (b)(2). The amount allocated for the utility allowance shall be determined by the Recipient and approved by the Authority.
- 3) The Owner shall submit on an annual basis the rent schedule for the Development reflecting the actual rents being charged at the Development.
- 4) No person or family shall be required to vacate or move from a unit reserved for low or very low income persons or families due to an increase in income exceeding the income limitations contained in this Subpart. The Owner may increase the rent for such units, for so long as the person or family's income exceeds such limits, to an amount not to exceed the fair market rent as determined by the Authority.

Section 360.906 Non-Discrimination
EMERGENCY

Developments receiving Affordable Housing monies shall not refuse to accept Tenants for occupancy solely because the Tenant receives governmental rental assistance, nor based on a prospective Tenant's race, national origin, religion, creed, sex, age, familial status or disability.

SUBPART J: ENERGY EFFICIENCY

Section 360.1001 Standards
EMERGENCY

All Developments receiving assistance from the Trust Fund for construction

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and rehabilitation shall comply with the provisions of 47 Ill. Adm. Code 310. Subpart I.

SUBPART K: CERTIFICATIONS

Section 360.1101 Environmental Assessment
EMERGENCY

Prior to Initial Closing Date, the Authority may require the applicant to have an environmental assessment review of the proposed Development undertaken by an environmental consultant approved by the Authority. The environmental assessment shall consist of a review of historic activities on and current conditions of the Real Estate which identifies potential problem areas. Upon its review of the results of the environmental assessment, the Authority may determine that a more comprehensive environmental assessment by an environmental consultant approved by the Authority shall be undertaken. This assessment may consist of sampling, lab analysis and an estimate of the magnitude of environmental problems, as well as costs involved in site cleanup. The Applicant shall pay the costs of such assessments, and may, at the sole discretion of the Authority, be payable out of Mortgage Loan proceeds.

Section 360.1102 Environmental Barriers
EMERGENCY

All Developments receiving assistance from the Trust Fund for construction and rehabilitation shall comply with the provisions of the Environmental Barriers Act (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 3711 et seq.) and the Illinois Accessibility Code (71 Ill. Adm. Code 400).

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STATEMENT OF OBJECTION

POLLUTION CONTROL BOARD

Heading of Part:

Water Quality Standards

Code Citation:

35 Ill. Adm. Code 302

Section Numbers:

302. Subpart F

Date Originally Published in Illinois Register:September 15, 1989
13 Ill. Reg. 14172

At its meeting on January 10, 1990, the Joint Committee on Administrative Rules objected to the above proposed rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute withdrawal of the proposed rulemaking in its entirety.

The specific objection is as follows:

The Joint Committee objects to Section 302. Subpart F of the Pollution Control Board's rule entitled "Water Quality Standards" (35 Ill. Adm. Code 302) because the Pollution Control Board's proposed rule concerning the determination of water quality standards violates the provisions of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1001 et seq.) and the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, par. 1001 et seq.) by requiring the Environmental Protection Agency to establish water quality criteria which will not be promulgated pursuant to the Illinois Administrative Procedure Act (IAPA).

The Pollution Control Board has proposed a series of rules to implement required federal standards in Illinois. This rule provides limitations for the mixing of effluents and water, sets forth standards for zones of dissolution and defines terms such as "Mixing Zone", "Adverse Effects" and "Zone of Initial Dilution". In addition, this rule specifically sets forth numerical standards for certain substances which are discharged into Illinois waters in potentially toxic amounts. In addition to the specific numeric standards, the Board has included procedures for the Agency to use to determine toxicity criteria for substances which are not included in the specific numeric standards. The Board calls this a "narrative standard."

Section 302.601 provides that "[t]his Subpart [F] contains the procedures for determining the water quality criteria set forth in Section 302.210(a), (b) and (c)." The Board's procedures are for the Agency to use in determining water quality criteria. The Board was first asked

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if the water quality criteria will be of general applicability and thus be a rule as defined by Section 3.09 of the IAPA. The Board stated, in its Second Notice Opinion, that "some confusion has existed regarding the distinction between a criterion, as referenced in Section 302.210 and calculated pursuant to [Section] 302. Subpart F, and a standard." The Board stated that a standard is adopted by the Board pursuant to the IAPA as a rule, "in contrast, a criterion . . . is a number derived by the Agency pursuant to rules adopted by the Board . . . [and] cannot be considered a statement of general applicability." The Board stated that the criterion will be derived by the Agency in the course of NPDES permitting and other site-specific situations and applied on a case by case basis, taking into account the nature of the waterbody of interest.

The Board was then asked if the Agency would adopt the water quality criteria pursuant to the IAPA. The Board stated that the criteria will not be promulgated by the Agency pursuant to the IAPA. The Board explained, in its Second Notice Opinion, that:

The purpose of Subpart F is to provide some order and framework within which these estimations can be made. It is intended to provide directives to the Agency as to what it must and must not include when it does such estimates. It is also intended to let the regulated community know what the Agency can and cannot consider when it does such estimations. Moreover, it is intended to let any person, from the regulated community or otherwise, know what this Board views as permissible procedures for estimating the toxic concentration of any chemical. In short, the purpose of Subpart F is to provide an out-in-the-open set of procedures for estimating toxicity.

The Board further stated that if the criteria are not adopted as rules, the Board will be allowed to review the criterion developed by the Agency in the appeals process under the Environmental Protection Act and if the Agency develops a standard of general applicability the Agency can request that the Board promulgate the standards pursuant to the IAPA.

Lastly, the Board was asked to cite its authority for delegating rulemaking process to the Agency. The Board reiterated that the

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Agency will not be developing rules as defined by the IAPA; therefore, the Board stated it does not believe it has unlawfully delegated rulemaking authority to the Agency.

The issue that the Board is delegating to the Agency rulemaking authority was first raised by commentators prior to this rule being published in the Illinois Register for First Notice. The Board's First Notice Opinion states: "Concerns have been raised that the Subpart F procedures proposed by the Agency for deriving narrative criteria constitute an improper subdelegation of the Board's rulemaking authority to the Agency." In addition, comments submitted to the Board by the Illinois Environmental Regulatory Group (IERG) state: "We concur that the Agency does not have the authority to adopt on its own, enforceable 'numbers' which in effect are water quality or effluent standards. Such an action would, in our opinion, constitute an unacceptable delegation of the Board's rulemaking authority to the Agency." IERG then suggested language to the Board which would allow for a narrative standard but would have included requirements for the Agency to adopt rules pursuant to the IAPA setting forth data requirements and test procedures.

The Board's response to commentators mirrored its response to the Joint Committee when asked about this issue. The Board has maintained throughout this rulemaking that it is not delegating rulemaking authority to the Agency as the Agency will be developing criteria not standards. The Board has stated that criteria will not have general applicability and, therefore, are not rules as defined by Section 3.09 of the IAPA.

The Board is requiring the Agency to develop "criteria" for toxicity in the waters of Illinois. It would seem logical that at least some of the criteria for toxicity developed by the Agency will have general applicability. If the criteria developed are "policy statements of general applicability", the criteria will be rules as defined by Section 3.09 of the IAPA. If the Agency is developing "rules" then the Board is delegating its rulemaking authority and the criteria should be adopted pursuant to the IAPA.

The Joint Committee has issued objections in the past to rules promulgated by the Agency because the Environmental Protection Act requires the Board not the Agency to adopt such rules. In 1981, the Joint Committee issued an objection to "Access to Information of the Environmental Protection Agency" originally published March 13, 1981 because the Agency lacked the authority to promulgate rules with respect to trade secrets and confidential business information. The

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authority for rulemaking was explicitly granted to the Board under the Environmental Protection Act. In 1984, the Joint Committee objected to the Agency's rules entitled "Rules Granting Permission to Operator During Period of Excess Emission" (35 Ill. Adm. Code 260) because the Agency is required by the Environmental Protection Act to issue permits but the Board is responsible for promulgating standards for issuance of such permits, not the Agency. In 1985, the Joint Committee again objected to the Agency's rules because the Agency lacked authority for those rulemakings. The authority for such rulemaking is explicitly granted to the Board by the Environmental Protection Act. Those rules were entitled "Procedures for Measuring Emissions of Particulate Matter from Stationary Sources" (35 Ill. Adm. Code 263) and "General Procedures for Stack Testing" (35 Ill. Adm. Code 283).

Therefore, the Joint Committee objects to Section 302, Subpart F of the Pollution Control Board's rule entitled "Water Quality Standards" (35 Ill. Adm. Code 302) because the Pollution Control Board's proposed rule concerning the determination of water quality standards violates the provisions of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1001 et seq.) and the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, par. 1001 et seq.) by requiring the Environmental Protection Agency to establish water quality criteria which will not be promulgated pursuant to the Illinois Administrative Procedure Act (IAPA).

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JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION

SECRETARY OF STATE

Heading of Part:

The Use of the Capitol Complex Facilities

Code Citation:

71 Ill. Adm. Code 2005

Section Numbers:

2005.20
2005.50

Date Originally Published in Illinois Register:

October 6, 1989
13 Ill. Reg. 15640

At its meeting on January 10, 1990, the Joint Committee on Administrative Rules objected to the above proposed rulemaking. Failure of the agency to respond within 90 days of receipt of the Statement of Objection shall constitute withdrawal of the proposed rulemaking in its entirety.

The specific objections are as follows:

Objection 1

The Joint Committee objects to the definition of "Demonstration" in Section 2005.20 of the Secretary of State's rulemaking entitled "The Use of the Capitol Complex Facilities" because, by defining "demonstration" as such activities as demonstrating, picketing, holding of vigils, etc., "and all other like forms of activity" . . . "the conduct of which has the effect, intent or propensity to draw a crowd of onlookers", the rule is vague in that it fails to advise the public what types of conduct constitute a "demonstration" and are thus subject to regulation by the Secretary pursuant to Part 2005.

The Secretary of State proposed this rulemaking to set out policies pertaining to public access to and administration of Capitol Complex building facilities owned, leased or controlled by the Secretary of State, which are defined by the Secretary as various named buildings within the City of Springfield. Political demonstrations and rallies are authorized by means of a permit system in which an event is authorized unless the Secretary's Director of Physical Services makes a finding that an activity will unreasonably interfere with the movement of traffic or persons or the use of buildings or grounds; endanger public health or safety; constitute a commercial activity or conflict with a previously scheduled event. Section 2005.20 of the Secretary's rulemaking defines "Demonstration" as:

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"Demonstration" means demonstrating, picketing, marching, rallying, the sale of non-commercial printed matter or materials, moving in procession, holding of vigils, and all other like forms of activity that involve the communication or expression orally or by conduct, of views or grievances, engaged in by one or more persons, the conduct of which has the effect, intent, or propensity to draw a crowd or onlookers.

Any event qualifying as a "demonstration" requires approval and issuance of a permit by the Secretary's Director of Physical Services pursuant to Section 2005.50 of the Secretary's rulemaking. The Secretary was asked to clarify what he deemed to be "other like forms of activity" . . . "the conduct of which has the effect, effect or propensity to draw a crowd of onlookers".

In response, the Secretary explained that his use of the above-quoted phrase expressed his conception of a "demonstration". The Secretary reported the questioned text was derived from similar text stated in policies of the federal government and was quoted almost verbatim from a California administrative rule governing demonstrations in that State's buildings. The Secretary explained that historically the named acts: picketing, marching, moving in procession, etc., encompassed the activities deemed by the Secretary to be a "demonstration" and were adequate illustrations to express the concept he wished to convey. However, the Secretary stated he could not anticipate every novel or as yet unknown form of protest and place it in his rulemaking, and that that was the basis for the text quoted above. The Secretary offered the example in which feminists chained themselves within the Capitol building as a form of protest that up until that time had not been anticipated.

In the course of discussions with the Secretary's Office, the Secretary offered to delete the word "like" from the phrase "all other like forms of activity" that involve the communication . . . "quoted-above, add the words "public demonstrative" before "activity", and add the text: "within 100 feet of the buildings named in Section 2005.10 of this Part or on the Capitol Complex grounds, or within the building or the Capitol". The Secretary also offered to add the following text to the definition of "Demonstration", derived from U.S. Capitol traffic regulations:

"Demonstration" shall also mean demonstrating, parading, picketing,

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speechmaking, holding of vigils, sit-ins, or other activities conducted for the purpose of demonstrating approval or disapproval of governmental policies or practices (or the lack thereof), expressing a view on public issues, or bringing into public notice any issue or other matter.

The Secretary argued that the text he employed, coupled with the offered additional text, was the most comprehensive language found in his research conducted to date.

Section 220.900(d)(2)(E) of the Joint Committee's Operational Rules requires, as a criterion for review of a rulemaking, that the Committee determine whether the language of rules is simple and clear, so as to be understood by the person or groups affected. Although the Secretary has stated that the text he has employed or offered is the most comprehensive found to date, his reservation of "other" unnamed or unknown types of activity as constituting a "demonstration" and triggering the permit requirements of Section 2005.50 of the rulemaking after the activity has already occurred makes the rule vague: the affected public is not clearly made aware as to what sort of conduct is a demonstration and thus subject to the requirements of Part 2005.

Therefore, the Joint Committee objects to the definition of "Demonstration" in Section 2005.20 of the Secretary of State's rulemaking entitled "The Use of the Capitol Complex Facilities", because, by defining "demonstration" as such activities as demonstrating, picketing, holding of vigils, etc., "and all other like forms of activity" . . . "the conduct of which has the effect, intent or propensity to draw a crowd of onlookers", the rule is vague in that it fails to advise the public what types of conduct constitute a "demonstration" and are thus subject to regulation by the Secretary pursuant to Part 2005.

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Objection 2

The Joint Committee objects to Section 2005.50(d) of the Secretary of State's rules entitled "The Use of the Capitol Complex Facilities (71 Ill. Adm. Code 2005) because, the Secretary has failed to provide standards governing how the Director of Physical Services will make a finding to deny a permit for a demonstration on the basis that a demonstration would: unreasonably interfere with the movement of traffic or persons or unreasonably interfere with the use of buildings or grounds, in violation of Section 4.02 of the Illinois Administrative Procedure Act.

The Secretary of State proposed this rulemaking to set out policies pertaining to public access to Capitol Complex building facilities owned, leased or controlled by the Secretary of State, which are defined by the Secretary as various designated buildings within the City of Springfield. The rulemaking bans commercial activities within the Capitol Complex buildings or grounds except those permitted pursuant to contract with the State Government. Political demonstrations and rallies are authorized by Sections 2005.50(d)(1) and (d)(2) of the Secretary's rulemaking by means of a permit system in which an event is authorized unless the Secretary's Director of Physical Services makes a finding that an activity will unreasonably interfere with the movement of traffic or persons or the use of buildings or grounds.

The Secretary was asked to clarify the factors that would go into the Director's determination that the standards set out in Section 2005.50(d)(1)-(5) had not been met, more particularly, that a demonstration would unreasonably interfere with the movement of traffic or persons or would unreasonably interfere with the use of buildings or grounds.

In response, the Secretary offered to add a definition in Section 2005.20 to read as follows, which was derived from a court case concerning demonstrations on the Capitol Complex grounds, People v. Duda, 82 Ill. App.3d 525, 402 N.E.2d 819 at 821 (1980):

"Interfere" or "interference" shall mean the type of conduct which by its nature, tends to hinder, disrupt or obstruct the orderly function of the official enterprises being carried on in the building or on the land of the building or the Capitol Complex.

In the Duda case cited above, defendant was cited with interference with another's use of state land. The court held that any obstruction of the Secretary's duty to maintain state property did not necessarily establish interference with other parties lawful use of the buildings or lands, even in that case in which the defendant remained on the property after being told to depart, and in which there was evidence of littered grounds and broken tree branches, and therefore the conviction for interference with other's lawful use or enjoyment was not proper.

The Secretary also offered to amend Section 2005.50(d)(2) to mirror the text of a parallel California administrative rule. As amended, the Director of Physical Services would deny a permit if he makes a finding that the activity will:

Be conducted in the area designated without creating or causing a health and/or safety hazard and will not impede the performance of public business to be conducted in the area;

Section 2005.50(d)(2), as proposed by the Secretary, directs the Director to issue a permit unless the Director finds that an activity will "unreasonably interfere with the use of the buildings or grounds".

The Secretary also offered to amend Section 2005.50(f) to read as follows to require the Secretary's Director of Physical Services to state the basis for his denial of a permit, which would then permit an aggrieved applicant to seek legal or injunctive relief if denied a permit on an improper basis:

A written request in letter form addressed to the Director shall be considered an application. A written response from the Director approving part or all of the application shall be considered the permit. The written response shall state the reasons for denying in whole or in part the request. The Director is required to show by the preponderance of the evidence that an unreasonable interference will occur or is occurring when he denies the request in whole or in part.

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The Secretary argued that his use of the dicta from the Duda case to define "interference", requiring the Director to specify the basis for a denial of a permit and revision of Section 2005.50(d)(2) to employ similar language used in a California administrative rule was all he could do at present to afford legal safeguards and clarify what was deemed by his Office as "interference" with the Capitol Complex or grounds. It should be noted however, that an examination of the California "Administrative Procedure Act", Gov. C.A. 11340 et seq., has no provision similar to Section 4.02 of the IAPA, upon which this recommendation is based.

The Secretary argued the theme expressed in the Duda case and added text offered by him expressed his conception of "unreasonable interference". He offered the examples of the presence of 40 school children at a demonstration which requires government employees to walk around the demonstration as not constituting "unreasonable interference" with the customary use of the buildings or grounds, but that 15,000 schoolchildren that precluded access to the Capitol Complex would meet that standard. The Secretary was asked if his staff had some more objective means of determining excess traffic, movement of persons, etc., by assessing the number of people per square foot of space, etc. The Secretary reported that no prescribed formula for reaching such findings was employed by his Office.

Section 4.02 of the Illinois Administrative Procedure Act (IAPA) (Ill. Rev. Stat. 1987, ch. 127, par. 1004.02) provides that "Each rule which implements a discretionary power to be exercised by an agency shall include the standards by which the agency shall exercise the power. Such standards shall be stated as precisely and clearly as practicable under the conditions, to inform fully those persons affected."

Despite the Secretary's offer of additional language, entities applying for a permit arguably may still not be advised as to what will be deemed activity that will unreasonably interfere with the movement of traffic or persons or use of buildings or grounds within the Capitol Complex. This is a rule which has the potential to have broad implications in the area of the exercise of First Amendment rights. Even without addressing the issue in that context, it seems clear that the Secretary's rule in its present form may not conform to the requirements of Section 4.02 of the Illinois Administrative Procedure Act.

Therefore, the Joint Committee objects to Section 2005.50(d) of the Secretary of State's rules entitled "The Use of the Capitol Complex Facilities (71 Ill. Adm. Code 2005) because, the Secretary has failed to provide standards governing how the Director of Physical Services will

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make a finding to deny a permit for a demonstration on the basis that a demonstration would: unreasonably interfere with the movement of traffic or persons or unreasonably interfere with the use of buildings or grounds, in violation of Section 4.02 of the Illinois Administrative Procedure Act.

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JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION

SECRETARY OF STATE

Heading of Part: The Use of the Capitol Complex Facilities

Code Citation: 71 Ill. Adm. Code 2005

Section Numbers: 2005.10 2005.20 2005.30
2005.40 2005.50 2005.60
2005.70 2005.80 2005.90

Date Originally Published in Illinois Register: October 6, 1989
13 Ill. Reg. 15640

At its meeting on January 10, 1990, the Joint Committee on Administrative Rules recommended that the Secretary of State seek legislation. The Department should respond within 90 days of the receipt of this Statement of Recommendation.

The specific recommendation is as follows:

The Joint Committee suggests to the Secretary of State that if the Secretary believes he should have the authority to adopt rules providing for regulation of political activities, demonstrations and rules setting forth policies and procedures for public use of and public access to the Capitol Complex, the Secretary should seek legislation amending "AN ACT to revise the law in relation to the Secretary of State" to provide specific statutory authority for such regulations.

The Secretary of State proposed this rulemaking to set out policies pertaining to public access to and administration of Capitol Complex building facilities owned, leased or controlled by the Secretary of State, which are defined by the Secretary as the Stratton Building, Visitors' Center, Capitol and Centennial Buildings, and other named buildings within the City of Springfield. The rulemaking bans commercial activities within the Capitol Complex buildings or grounds except those permitted pursuant to contract with the State Government. Political demonstrations are authorized by means of a permit system in which an event is authorized unless the Secretary's Director of Physical Services makes a finding that an activity will unreasonably interfere with the movement of traffic or persons or the use of buildings or grounds; endanger public health or safety; constitute a commercial activity or conflict with a previously scheduled event. Business hours and public access provisions for the Capitol Complex are stated. Authorized

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repairmen, state agency employees, members of the news media and General Assembly are permitted access outside of public business hours. The Secretary prohibits such activities as bringing in animals; blocking doorways, elevators or means of access; carrying of posters or signs above the first floor of the Capitol; affixing signs or posters to walls, railings or ceilings of buildings; skateboard riding and defacing state property.

The Secretary was asked to provide his statutory authority for promulgating rules governing the use of the Capitol Complex. More particularly he was asked to cite the authority for requiring permits for public demonstrations, placing restrictions on the manner and form of demonstrations, banning certain activities and imposing limitations on access to the Capitol Complex. The Secretary explained that no express authority for promulgation of administrative rules governing his administration of the Capitol Complex facilities exists. The Secretary argued that Section 5(7) of "AN ACT to revise the law in relation to the Secretary of State" (hereafter, the Act) (Ill. Rev. Stat. 1987, ch. 124, par. 5(7)) imposes on him the duty to "take charge and preserve from waste, and keep in repair, the houses, lots, grounds and appurtenances, situated in the City of Springfield, and belonging to or occupied by the State, the use of which is not otherwise required by law,"

The Secretary's argument notwithstanding, the Secretary may not adopt this pervasive scheme of regulation. The power to adopt rules must be granted by statute, see Eastman Kodak Co. v. Fair Employment Practices Commission, 83 Ill. App.3d 215, 38 Ill. Dec. 620 at 623, 403 N.E.2d 1224 (1980) and Northern Illinois Automobile Wreckers and Rebuilders Association vs. Dixon, 75 Ill.2d 53, 25 Ill. Dec. 664 at 668, 387 N.E.2d 324 (1979). An examination of Section 5(7) of the Act makes clear that the Secretary is responsible for the upkeep of Capitol Complex buildings and grounds. However, such a statutory duty does not authorize this set of regulations. A comprehensive rulemaking scheme which governs public access to and use of the Capitol Complex facilities, prescribes a permit process by which public demonstrations are authorized or denied, and numerous acts are prohibited goes well beyond the Secretary's duty imposed by Section 5(7) of the Act.

Therefore, The Joint Committee suggests to the Secretary of State that if the Secretary believes he should have the authority to adopt rules providing for regulation of political activities, demonstrations and rules setting forth policies and procedures for public use of and public access to the Capitol Complex, the Secretary should seek legislation amending

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"AN ACT to revise the law in relation to the Secretary of State" to
provide specific statutory authority for such regulations.

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JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION
TO EXISTING RULES

DEPARTMENT OF NUCLEAR SAFETY

Heading of Part: Licensing Requirements for Source Material Milling
Facilities

Code Citation: 32 Ill. Adm. Code 332

Section Numbers:

332.20	332.40
332.60	332.100
332.110	332.130
332.180	332.200
332.210	332.220
332.230	332.240
332.250	332.290

Date Originally Published in Illinois Register:

April 28, 1989
13 Ill. Reg. 5874

At its meeting on January 10, 1990, the Joint Committee objected to the above existing rulemaking. Failure of the Department to respond within 90 days of the receipt of this Statement of Objection shall constitute a refusal to amend or repeal this rule.

The specific objections are as follows:

Objection 1

The Joint Committee objects to Section 332.20 of the Department of Nuclear Safety's rulemaking entitled "Licensing Requirements for Source Material Milling Facilities" (32 Ill. Adm. Code 332), because, the Department has failed to provide cross-references, clarify, or provide standards governing how the Department will make key factual determinations serving as the basis for words defined by the Department, notably: "active maintenance", "aquifer", "buffer zone", "commencement of construction", "compliance period", "closure", "closure plan", "disposal area", "existing portion", "licensed site", and "point of compliance", in violation of Section 4.02 of the Illinois Administrative Procedure Act.

The Department of Nuclear Safety proposed a comprehensive regulatory scheme for the licensing of radioactive source material milling facilities. The rules' objective is to regulate milling of uranium or thorium and storage and disposal of byproduct material. The rules define key terms, require a license for such activities and prescribe license application procedures and standards for evaluation of license applications.

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Conditions of licensure are prescribed, including provisions for closure of a milling facility site and termination of a license. Radiation protection standards are stated for the general population, trespassers and employees. Technical requirements for byproduct material disposal sites are included, embracing such topics as groundwater protection and control of radiation hazards.

The Department is proposing these rules in order to obtain "agreement state" status with the Nuclear Regulatory Commission (NRC) whereby the State will henceforth assume jurisdiction over source material milling facilities from the NRC. This is accomplished pursuant to 42 U.S.C. 2021(b). The NRC, prior to entering into any such agreement, must make a finding that the State regulatory program is in compliance with 42 USC 2021(o) and is compatible with the NRC's regulatory program. Subsection (o) of 42 U.S.C. 2021 requires a State to pursue rulemaking with public notice and comment procedures and that license applicants prepare a study of a proposed license site and facility assessing environmental effects.

Section 332.20 of the Department's rulemaking defines terms used throughout the rulemaking, more particularly: "active maintenance", "aquifer", "buffer zone", "commencement of construction", "compliance period", "closure", "closure plan", "disposal area", "existing portion", "licensed site", and "point of compliance". In the course of the Joint Committee's review of this rulemaking, the Department was asked to provide standards, cross-references or clarify how it would reach a finding that various elements of the above-quoted terms had been met [Questions 2-11 and 13 of the Joint Committee's General Problems and Questions Concerning Proposed Rulemaking submitted to the Department on December 12, 1989]. In all instances, the Department declined to do so, stating that its revision of the text of the various defined terms would jeopardize approval by the NRC of the Department's rules and subsequent obtainment by the Department of "agreement state" status with the NRC granting it jurisdiction to regulate source material milling facilities. The Department stated it might, in response to an objection or recommendation from the Joint Committee, provide some requested cross-references to other provisions of this Part, but generally declined to provide text clarifying various phrases or standards governing how it would make the factual determinations called for by the various terms which are defined. The Department refused, however, to provide even cross-references to other provisions of this Part at this juncture. Illustrations of the Department's refusal to address Joint Committee inquiries follow:

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- 1) Section 332.20 defines the term "aquifer" and states any zone created by uranium recovery operations is not to be considered an aquifer unless the zone is or potentially is: hydraulically interconnected to a natural aquifer, capable of discharge or reasonably accessible because of migration beyond the vertical projection of the boundary of the land. The Department refused to provide standards governing how it will determine that a zone potentially meets the elements stated ("hydraulically interconnected", "reasonably accessible" and "capable of discharge").
- 2) Section 332.20's definition of "compliance period" states such a period is to end when the owner's license is terminated and the disposal site is transferred to a governmental agency. The Department refused to provide cross-references in its rulemaking to the applicable Administrative Code provisions outlining license termination and site transfer.
- 3) Section 332.20's Agency Note for "disposal area" states such a site includes only the surface area of the land "immediately underlain by byproduct material." The Department could not specify what it means by the phrase "immediately underlain by byproduct material", stating such a determination was on a "case-by-case" basis, and that it could not provide standards governing how each "case" would be evaluated.

Section 4.02 of the Illinois Administrative Procedure Act (IAPA) (Ill. Rev. Stat. 1987, ch. 127, par. 1004.02) provides that "Each rule which implements a discretionary power to be exercised by an agency shall include the standards by which the agency shall exercise the power. Such standards shall be stated as precisely and clearly as practicable under the conditions, to inform fully those persons affected." The Department's rulemaking fails to satisfy this standard. Parties are instructed, for example, that a disposal site is to include only the land "immediately underlain by byproduct material" but fails to state the parameters of that volume of land or the standards the Department will apply to reach such a finding.

The Department's argument that the rules must be accepted as proposed or the NRC will not approve the Department's rules and permit the Department to obtain agreement state status has been made before, and was not accepted by the Joint Committee. In 1986 the Department proposed a series of rulemakings in order to obtain initial agreement state status. In the course of the Joint Committee review, the

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Department agreed to make numerous changes in its rulemakings to address Joint Committee concerns, and, the Joint Committee voted numerous objections and recommendations concerning the Department's rulemakings at its June 23, 1986 meeting, citing the rules as inadequate insofar as to the provision of standards and lack of specific statutory authority to conduct certain activities. This contrasts sharply with the Department's posture in this instance, in which it has refused to provide clarifying text, cross-references or standards governing the licensing determinations it plans to make.

The Department's argument that its rules must be in the format approved by the NRC echoes the position taken by the Department of Mines and Minerals with regard to its mine reclamation rules that it could not change its rules to address Joint Committee concerns because federal program approval would be denied. Ultimately, the Department of Mines and Minerals pledged to pursue further rulemaking. The Department of Nuclear Safety can do so as well. If the Department was apprehensive about possible NRC rejection of its rules, it could have obtained a preliminary review by the Joint Committee of its rulemaking and submitted the concerns of the Joint Committee to the NRC, or, negotiated with the NRC to have clarifying text added. The Department did not request a preliminary review, and those changes in text that it did submit to the NRC to avoid inquiries by the Joint Committee were not submitted to the NRC until late in 1988, without input or participation by the Joint Committee. As was the case with the Department of Mines and Minerals, compliance with the Illinois Administrative Procedure Act does not preclude state agencies from obtaining federal program approval of their administrative rules.

In response to these and other inquiries by the Joint Committee that the Department was unwilling to address, the Department suggested that such outstanding issues be addressed in the same manner as were unanswered questions of the Joint Committee concerning the Department's rules entitled "Licensing Requirements for Land Disposal of Radioactive Waste" (32 Ill. Adm. Code 601), considered by the Joint Committee at its June 23, 1986 meeting. In that instance, the Department again stated that "agreement state" status of Illinois with the NRC would be imperiled if the Joint Committee voted objections regarding more than 100 questions submitted by the Joint Committee concerning topics for which the Department lacked a distinct policy posture. The Joint Committee voted a recommendation that the Department:

Initiate rulemaking within one year regarding the policies and standards required to

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implement the sections identified in Appendix A of this statement. In addition, the Joint Committee requests that the Department, when it initiates such rulemaking, answer the questions raised by the staff concerning the implementation of Part 601, and identified in Appendix B of this statement, which the Department was unable to answer at this time due to the uncertainty of the policies to be implemented.

Despite the Joint Committee's recommendation that the Department address via rulemaking within one year the topics raised in Appendices A and B of the Joint Committee's recommendation, the Department has not as yet proposed amendatory rulemaking in the intervening three years prescribing its policies pertaining to "Licensing Requirements for Land Disposal of Radioactive Waste" (32 Ill. Adm. Code 601). The Department stated it has not done so because concerns relating to selection of a disposal site and "contractor" have taken precedence over revision of its licensing rules. The Department stated no license will be granted until late 1991 and that there was adequate time to propose amendatory rulemaking.

Given the Joint Committee's Certification of No Objection to this rulemaking at its December 14, 1989 meeting to accommodate the Department's wish to quickly adopt this rulemaking and achieve agreement state status, and the Department's omission during the last three years to fulfill the Joint Committee's June 23, 1986 recommendation that it initiate rulemaking within one year to address concerns cited by the Joint Committee, it would appear the accommodation taken by the Joint Committee with respect to the Department's licensing rules for low-level radioactive waste facilities may not have any utility in this instance. The Department obtained experience in 1986 of the concerns historically voiced by the Joint Committee, and could have negotiated with the NRC during the intervening three years to obtain approval for the provision of standards and necessary clarifying text for both rulemakings. The Department cannot expect its failure to fulfill its pledge to pursue further rulemaking to be supportive of its position that the Joint Committee make the same accommodation that it did for low-level waste facilities for this rulemaking. The circumstances are not the same. The Department is aware of the alternatives it and the Joint Committee can take in response to an objection by the Joint Committee, and therefore, the action taken by the Joint Committee with respect to 32 Ill. Adm. Code 601 is not appropriate in this instance.

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Therefore, the Joint Committee objects to Section 332.20 of the Department of Nuclear Safety's rulemaking entitled "Licensing Requirements for Source Material Milling Facilities" (32 Ill. Adm. Code 332), because, the Department has failed to provide cross-references, clarify, or provide standards governing how the Department will make key factual determinations serving as the basis for words defined by the Department, notably: "active maintenance", "acquirer", "buffer zone", "commencement of construction", "compliance period", "closure", "closure plan", "disposal area", "existing portion", "licensed site", and "point of compliance", in violation of Section 4.02 of the Illinois Administrative Procedure Act.

Objection 2

The Joint Committee objects to Sections 332.40 and 332.110(h) of the Department of Nuclear Safety's rulemaking entitled "Licensing Requirements for Source Material Milling Facilities" (32 Ill. Adm. Code 332), because, the Department has failed to provide standards governing how the Department will request additional information from a license applicant and grant, modify or revoke a license application or license, in violation of Section 4.02 of the Illinois Administrative Procedure Act.

Section 332.40 of the Department's rulemaking outlines license application contents and procedures. More particularly, Section 332.40(c) of the Department's rulemaking states the Department may require additional information from a license applicant so as to enable the Department to determine whether the application should be denied or a license granted, modified or revoked. In the course of the Joint Committee's review of this rulemaking, the Department was asked to provide standards governing how it would make such findings. The Department declined to do so, stating that its revision of the text of the various defined terms would jeopardize approval by the U.S. Nuclear Regulatory Commission (NRC) of the Department's rules and subsequent obtainment by the Department of "agreement state" status with the NRC granting it jurisdiction to regulate source material milling facilities.

The Department's argument that its rules must be in the format approved by the NRC echoes the position taken by the Department of Mines and Minerals with regard to its mine reclamation rules that it could not change its rules to address Joint Committee concerns because federal program approval would be denied. Ultimately, the Department of Mines and Minerals pledged to pursue further rulemaking and the Department of Nuclear Safety can do so as well. The Department could have obtained a preliminary review by the Joint Committee of its rulemaking

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and submitted the concerns of the Joint Committee to the NRC, or, negotiated with the NRC to have clarifying text added. The Department did not request a preliminary review, and those changes in text that it did submit to the NRC to avoid inquiries by the Joint Committee were not submitted to the NRC until late in 1988, without input or participation by the Joint Committee. Compliance with the Illinois Administrative Procedure Act does not preclude state agencies from obtaining federal program approval of their administrative rules.

Section 4.02 of the Illinois Administrative Procedure Act (IAPA) (Ill. Rev. Stat. 1987, ch. 127, par. 1004.02) provides that "Each rule which implements a discretionary power to be exercised by an agency shall include the standards by which the agency shall exercise the power. Such standards shall be stated as precisely and clearly as practicable under the conditions, to inform fully those persons affected." The Department's rulemaking fails to satisfy this standard. Parties are instructed that the Department may request additional data on which the Department will base its licensing decision, but are not advised as to the circumstances when additional information will be required or the standards the Department deems critical in reaching a decision to deny a license application and grant, modify or revoke a license.

Therefore, the Joint Committee objects to Sections 332.40 and 332.110(h) of the Department of Nuclear Safety's rulemaking entitled "Licensing Requirements for Source Material Milling Facilities" (32 Ill. Adm. Code 332), because, the Department has failed to provide standards governing how the Department will request additional information from a license applicant and grant, modify or revoke a license application or license, in violation of Section 4.02 of the Illinois Administrative Procedure Act.

Objection 3

The Joint Committee objects to Section 332.60 of the Department of Nuclear Safety's rulemaking entitled "Licensing Requirements for Source Material Milling Facilities" (32 Ill. Adm. Code 332), because, the Department has failed to provide cross-references, clarify, or provide standards governing how the Department will make key licensing application approval determinations concerning proposed site characteristics; design features of a source material milling facility; description of the construction and operation of a byproduct material surface impoundment and disposal area; the "design" and "technical" criteria of this Part; design features intended to facilitate closure; classification and specifications of radioactive material; managerial controls, including criteria and standards; environmental monitoring

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programs required of licensees; stabilization of a site; administrative procedures of licensees including management audit and internal inspection programs; regional and site specific data; and reports describing methodology, calibration procedures, quality control and data analysis for measurements performed by licensees, in violation of Section 4.02 of the Illinois Administrative Procedure Act.

Section 332.60 of the Department's rulemaking prescribes technical information that license applicants must provide to the Department. The application is to contain a description of the site as "determined by selection and characterization activities" including such topics as topography, geochemistry, seismology, radioactivity, ecology, history, mineral resources and endangered plants and animals; design features of the facility and byproduct material surface impoundment area embracing topics such as surface and groundwater management, effluent discharges and monitoring, site monitoring, method of construction, and procedures for waste segregation. Applicants must also describe design features intended to facilitate closure; the classifications and specifications of radioactive material to be received; their quality assurance program, including "audits and managerial controls including criteria and standards" and administrative procedures including management audit programs and internal inspection programs. Also required to be listed are the distinct elements of their proposed environmental monitoring program including air, water, soil and vegetation samples; "stabilization" measures; regional and site specific data reflecting seasonal or cyclical variations and a report describing the "methodology, calibration procedures, quality control and data analysis" for each type of measurement to be performed by the licensee.

The Department was asked to prescribe the level of detail and provide standards, cross-references or clarify how it would reach a finding that the above elements and terms had been met [questions 17-25 and 27-30 and 32-33 of the Joint Committee's General Problems and Questions Concerning Proposed Rulemaking submitted to the Department on December 12, 1989]. In all instances, the Department declined to do so, stating that its revision of the text of the various elements would jeopardize approval by the NRC of the Department's rules and subsequent obtainment by the Department of "agreement state" status. The Department stated it might, in response to an objection or recommendation from the Joint Committee, provide some requested cross-references to other provisions of this Part, but generally declined to provide text clarifying various phrases or standards governing how it would make determinations that the above stated license application requirements had been met. The Department refused to provide even

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cross-references to other provisions of this Part at this juncture. Illustrations of the Department's refusal to address Joint Committee inquiries follow:

- 1) Section 332.60(a)(1)-(5) lists topics that must be described in an application concerning a proposed site: the area's "geology," "toxicology," "natural resources," "local economy", etc. The Department refused to specify in its rulemaking the scope and detail of material to be submitted in support of an applicant's description of the local topics stated in Sections 332.60(a)(1) through (5).
- 2) Section 332.60(b) requires applicants to submit a description of the design features of the source material milling facility and impoundment and disposal area, embracing such topics as: surface and groundwater management; effluent discharges and monitoring; "buffer zone adequacy for monitoring and potential mitigative measures," etc. The Department refused to prescribe in its rulemaking the scope and level of detail required of applicants for each of the elements listed in Sections 332.60(b)(1)-(6) or provide standards governing how it will determine that those elements have been satisfied, most particularly, "buffer zone adequacy for monitoring and potential mitigative measures".
- 3) Section 332.60(f) requires applicants to submit a description of the construction and operation of any byproduct material service impoundment and disposal area including such topics as: method of construction, waste segregation, waste storage methods, engineering quality control program, etc. The Department declined to provide the scope and level of detail required of applicants for each of the elements listed in Sections 332.60(f)(1)-(9) and provide standards governing how it will determine that these elements have been satisfied.
- 4) Section 332.60(i) requires applicants to submit a description of the "classification" and "specifications" of radioactive material to be received. The Department refused to describe the quoted terms in its rulemaking or provide a cross-reference to a statutory or Administrative Code provision in which they are defined. In fact, the Department stated this material was in its license application form, but not in its rules, thereby being policies not contained in the rules of the Department. This issue, of course, is another basis upon which the Joint Committee could issue an objection.

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- 5) Section 332.60(1) states components of an environmental monitoring program generally include such factors as: sampling of air, surface, groundwater, soil, vegetation, of direct radiation with both passive integrating devices and survey instruments and "other environmental analysis that might be indicated as a result of site specific conditions." The Department failed to provide in its rulemaking the scope and level of detail required of applicants for each of the elements listed in Sections 332.60(1)(1)-(9) and provide standards governing how it will determine these elements have been met.

Section 4.02 of the Illinois Administrative Procedure Act (IAPA) (Ill. Rev. Stat. 1987, ch. 127, par. 1004.02) provides that "Each rule which implements a discretionary power to be exercised by an agency shall include the standards by which the agency shall exercise the power. Such standards shall be stated as precisely and clearly as practicable under the conditions, to inform fully those persons affected." The Department's rulemaking fails to satisfy this standard. The regulated class is told to prepare an exhaustive application covering several dozen components, but is not advised as to the level of specificity of material required to be submitted or the standards by which the Department will evaluate submitted information. Clearly the Department could do more to describe "precisely and clearly as practicable" what data is to be submitted concerning a site's "toxicology", "method of construction", classification of radioactive material, groundwater, soil and air sampling procedures, "audits and managerial controls", "management audit" and "internal inspection" programs. In some instances, the Joint Committee only requested that illustrations of acceptable procedures or information be provided, or, for example, that a definition of "stabilization" of a site be added. In all instances, the Department refused to do so, stating that NRC approval was dependent on the rules remaining in their present form.

The Department's argument that its rules must be in the format approved by the NRC echoes the position taken by the Department of Mines and Minerals with regard to its mine reclamation rules that it could not change its rules to address Joint Committee concerns because federal program approval would be denied. The Joint Committee did not accept the Department's argument and ultimately the Department pledged to pursue further rulemaking. The Department of Nuclear Safety can do so as well. The Department could have obtained a preliminary review by the Joint Committee of its rulemaking and submitted the concerns of the Joint Committee to the NRC, or, negotiated with the NRC to have clarifying text added. The Department did not request a preliminary

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review, and those changes in text that it did submit to the NRC to avoid inquiries by the Joint Committee were not submitted to the NRC until late in 1988, without input or participation by the Joint Committee. Compliance with the Illinois Administrative Procedure Act does not preclude state agencies from obtaining federal program approval of their administrative rules.

Therefore, the Joint Committee objects to Section 332.60 of the Department of Nuclear Safety's rulemaking entitled "Licensing Requirements for Source Material Milling Facilities" (32 Ill. Adm. Code 332), because, the Department has failed to provide cross-references, clarify, or provide standards governing how the Department will make key licensing application approval determinations concerning: proposed site characteristics; design features of a source material milling facility; description of the construction and operation of a byproduct material surface impoundment and disposal area; the "design" and "technical" criteria of this Part; design features intended to facilitate closure; classification and specifications of radioactive material; managerial controls, including criteria and standards; environmental monitoring programs required of licensees; stabilization of a site; administrative procedures of licensees including management audit and internal inspection programs; regional and site specific data; and reports describing methodology, calibration procedures, quality control and data analysis for measurements performed by licensees, in violation of Section 4.02 of the Illinois Administrative Procedure Act.

Objection 4

The Joint Committee objects to Section 332.100 of the Department of Nuclear Safety's rulemaking entitled "Licensing Requirements for Source Material Milling Facilities" (32 Ill. Adm. Code 332), because, the Department has failed to provide cross-references, clarify, or provide standards governing how the Department will make key licensing application approval determinations concerning: license approval or amendment before commencement of major construction activity; verification of compliance with license specifications; reach a determination to impose additional license terms or conditions; require reports, examine records and inspect a licensee's operations; and evaluate a licensee's monitoring program to demonstrate compliance with Administrative Code Parts 332, 310, 340 and 400, evaluate the performance of control systems and procedures, evaluate environmental impacts and detect potential long-term effects; and describe "emission control devices" required to be provided by licensees, in violation of Section 4.02 of the Illinois Administrative Procedure Act.

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Section 332.100 of the Department's rulemaking is captioned "Evaluation of License Application and Issuance of a License". It provides that upon a determination that an application meets the requirements of this Part, the Department shall issue a license authorizing construction of a facility and authorize operations at a licensed site after construction after confirmation of compliance with license specifications. Section 332.100(a) states license approval or amendment must be granted by the Department prior to the initiation of "major construction activity". Section 332.100(d) states the Department may impose additional license terms or conditions to ensure compliance with this Part, reduce a public safety hazard, protect the environment or prevent loss or theft of materials subject to this Part. The Department reserves the right in Section 332.100(e) to require reports, examine records or conduct inspections in order to demonstrate compliance with this Part. Section 332.100(f) requires licensees to conduct a monitoring program to demonstrate compliance with these rules, evaluate the performance of control systems and procedures, evaluate environmental impacts and detect potential long-term effects. Section 332.100(g) states licensees are to limit emissions and exposures by emission control devices.

The Department was asked to prescribe the level of detail and provide standards or clarify how it would reach a finding that the above elements and terms had been met [questions 40-41, 42(a), 43-45 of the Joint Committee's General Problems and Questions Concerning Proposed Rulemaking submitted to the Department on December 12, 1989]. In almost all instances, the Department declined to do so, stating that its revision of the text would jeopardize approval by the NRC of the Department's rules and subsequent obtainment by the Department of "agreement state" status. The Department did offer to amend Section 332.100(a) to read as follows: "Each application for a license or license amendment must be reviewed and the license or amendment must be issued by the Department before commencement of construction as defined in Section 332.20 ~~of this Act~~." Illustrations of the Department's refusal to address Joint Committee inquiries follow:

- 1) Section 332.100(c) states the Department shall authorize operations at the licensed site after verification of compliance with license specifications. The Department refused to state in its rulemaking the scope, procedures and standards employed by it in verifying compliance with license specifications.
- 2) Section 332.100(e) states the Department may require reports, examine records and inspect activities as necessary to demonstrate compliance with this Part. The Department declined to provide

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factors or standards to be employed by it in making such determinations.

- 3) Section 332.100(f) requires licensees to conduct a monitoring program to demonstrate compliance with this and other Parts of the Administrative Code; evaluate the performance of control systems and procedures; evaluate environmental impacts; and, detect potential long-term effects. The Department refused to provide in its rulemaking the scope and level of detail required of applicants for each of the elements listed in Sections 332.100(f)(1)-(4) and provide standards governing how it will determine that these elements have been satisfied.

- 4) Section 332.100(g) states licensees shall limit emissions and exposures by using "emission control devices." The Department declined to describe in its rulemaking such devices, provide illustrations or examples of the types of devices that may be appropriate.

Section 4.02 of the Illinois Administrative Procedure Act (IAPA) (Ill. Rev. Stat. 1987, ch. 127, par. 1004.02) provides that "Each rule which implements a discretionary power to be exercised by an agency shall include the standards by which the agency shall exercise the power. Such standards shall be stated as precisely and clearly as practicable under the conditions, to inform fully those persons affected." The Department's rulemaking fails to satisfy this standard. The regulated class is told to prepare an exhaustive application concerning numerous components, but is not advised as to the level of specificity of material required to be submitted or the standards by which the Department will evaluate submitted information. Clearly the Department could do more to describe "precisely and clearly as practicable" what data is to be submitted concerning the procedures and level of scrutiny it will employ in verifying compliance with this and other Parts, the circumstances in which it will request added information or impose new license conditions, the scope and level of detail of required monitoring programs and the standards by which such programs shall be evaluated. In one instance, the Joint Committee only requested that illustrations of acceptable emission control devices be provided. The Department refused to address the inquiries of the Joint Committee, arguing that NRC program approval and agreement state status would be jeopardized if the rules were modified.

As stated in previous recommendations, this argument was not accepted by the Joint Committee when the Department first sought agreement state

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status, nor has it been accepted when put forth by other agencies, such as the Department of Mines and Minerals. Compliance with the Illinois Administrative Procedure Act does not preclude state agencies from obtaining federal program approval of their administrative rules.

Therefore, the Joint Committee objects to Section 332.100 of the Department of Nuclear Safety's rulemaking entitled "Licensing Requirements for Source Material Milling Facilities" (32 Ill. Adm. Code 332), because, the Department has failed to provide cross-references, clarify, or provide standards governing how the Department will make key licensing application approval determinations concerning: license approval or amendment before commencement of major construction activity; verification of compliance with license specifications; reach a determination to impose additional license terms or conditions; require reports, examine records and inspect a licensee's operations; and evaluate a licensee's monitoring program to demonstrate compliance with Administrative Code Parts 332, 310, 340 and 400, evaluate the performance of control systems and procedures, evaluate environmental impacts and detect potential long-term effects; and describe "emission control devices" required to be provided by licensees, in violation of Section 4.02 of the Illinois Administrative Procedure Act.

Objection 5

The Joint Committee objects to Section 332.130 of the Department of Nuclear Safety's rulemaking entitled "Licensing Requirements for Source Material Milling Facilities" (32 Ill. Adm. Code 332), because, the Department has failed to clarify or provide standards governing how the Department will make key licensing determinations concerning approval of amendment of a license for closure of a licensed site, more particularly: supplemental information concerning geologic, hydrologic or other data pertinent to the containment of emplaced material; the submission of data including the results of any tests, experiments relating to surface impoundments or containment of material, and revisions of plans for decontamination, recontouring or backfilling of areas and stabilization of the disposal area, in violation of Section 4.02 of the Illinois Administrative Procedure Act.

Section 332.130 of the Department's rulemaking concerns the subject matter requirements of an application to amend a license for closure of a licensed site. The basic intent of this Section is to compel licensees to amend and revise previously submitted material to reflect changes to the site in the period after a license is granted. Section 332.130(a) requires licensees to submit an application to amend the license for site closure in

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certain circumstances which shall include any additional geologic, hydrologic or other data pertinent to the containment of emplaced material. Section 332.130(b) requires licensees to submit the results of tests, experiments or other analyses relating to any surface impoundment or disposal area, closure, waste migration, ... or any tests, experiments or analyses pertinent to the long-term containment of emplaced byproduct material. Section 332.130(c) requires applications to include any proposed revision of plans for decontamination or recontouring of areas and stabilization of the disposal area.

During the Joint Committee's review of this rulemaking, the Department was asked to prescribe the level of detail of required submissions in Sections 332.130(a), (b) and (c) and provide standards governing how it would reach a finding that the above elements and terms had been met [questions 50-52 of the Joint Committee's General Problems and Questions Concerning Proposed Rulemaking submitted to the Department on December 12, 1989]. Again, the Department declined to do so, stating that its revision of the text would jeopardize approval by the NRC of the Department's rules and subsequent obtainment by the Department of "agreement state" status.

This argument was not recognized by the Joint Committee when it reviewed the Department's initial series of rulemakings to achieve agreement state status or when put forth by other agencies, such as the Department of Mines and Minerals. The Department made many revisions to its rulemaking in 1986 to address Joint Committee concerns, action that it is not willing to take in this instance. The Department could have submitted Joint Committee concerns to the NRC to advise that body of Illinois state rulemaking procedures and review criteria. Instead, the Department argues that its rules be taken as is. The Department's argument has not been accepted by the Joint Committee before, and should not be accepted now.

Section 4.02 of the Illinois Administrative Procedure Act (IAPA) (Ill. Rev. Stat. 1987, ch. 127, par. 1004.02) provides that "Each rule which implements a discretionary power to be exercised by an agency shall include the standards by which the agency shall exercise the power. Such standards shall be stated as precisely and clearly as practicable under the conditions, to inform fully those persons affected."

The Department's rulemaking fails to satisfy this standard. The regulated class is told to prepare an application covering numerous components, but is not advised as to the level of specificity of material required to be submitted or the standards by which the Department will

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evaluate submitted information. Clearly the Department could do more to describe what hydrologic, geologic data is to be submitted or what data the Department deems "pertinent to the containment of emplaced material." The regulated class is not advised as to which tests and analyses are deemed by the Department to be adequate relating to surface impoundment(s) and the disposal area, or tests deemed by the Department to be "pertinent to the long-term containment" of the emplaced byproduct material. The Department plans to regulate this licensed activity, and yet it has failed to advise the regulated class what is expected of it. Revisions of plans for decontamination and stabilization are required to be submitted, but again the regulated class is left in the dark as to what level of detail is required or the standards by which the Department will evaluate such submissions.

Therefore, the Joint Committee objects to Section 332.130 of the Department of Nuclear Safety's rulemaking entitled "Licensing Requirements for Source Material Milling Facilities" (32 Ill. Adm. Code 332), because, the Department has failed to clarify or provide standards governing how the Department will make key licensing determinations concerning approval of amendment of a license for closure of a licensed site, more particularly: supplemental information concerning geologic, hydrologic or other data pertinent to the containment of emplaced material; the submission of data including the results of any tests, experiments relating to surface impoundments or containment of material, and revisions of plans for decontamination, recontouring or backfilling of areas and stabilization of the disposal area, in violation of Section 4.02 of the Illinois Administrative Procedure Act.

Objection 6

The Joint Committee objects to Section 332.180 of the Department of Nuclear Safety's rulemaking entitled "Licensing Requirements for Source Material Milling Facilities" (32 Ill. Adm. Code 332), because, the Department has failed to provide standards governing how the Department will evaluate whether a source material milling facility's design, operation and closure shall protect any individual inadvertently entering into the area, in violation of Section 4.02 of the Illinois Administrative Procedure Act.

Section 322.180 of the Department's rulemaking states a source material milling facility's design, operation and closure shall protect any individual inadvertently entering in the area at any time after termination of the license by the Department. The Department was asked to provide standards governing how it would make such findings.

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The Department declined to do so, stating that revision of the text of the rulemaking would jeopardize approval by the NRC of the Department's rules and subsequent obtainment by the Department of "agreement state" status, granting it jurisdiction to regulate source material milling facilities.

The Department's argument that its rules must be in the format adopted or approved by the NRC echoes the position taken by the Department of Mines and Minerals with regard to its mine reclamation rules that it could not change its rules to address Joint Committee concerns because federal program approval would be denied. Ultimately, the Department of Mines and Minerals pledged to pursue further rulemaking and the Department of Nuclear Safety can do so as well. The Department could have obtained a preliminary review by the Joint Committee of its rulemaking and submitted the concerns of the Joint Committee to the NRC, or, negotiated with the NRC to have clarifying text added. The Department did not request a preliminary review, and those changes in text that it did submit to the NRC to avoid inquiries by the Joint Committee were not submitted to the NRC until late in 1988, without input or participation by the Joint Committee. Compliance with the Illinois Administrative Procedure Act does not preclude state agencies from obtaining federal program approval of their administrative rules.

Section 4.02 of the Illinois Administrative Procedure Act (IAPA) (Ill. Rev. Stat. 1987, ch. 127, par. 1004.02) provides that "Each rule which implements a discretionary power to be exercised by an agency shall include the standards by which the agency shall exercise the power. Such standards shall be stated as precisely and clearly as practicable under the conditions, to inform fully those persons affected." The Department's rulemaking fails to satisfy this standard. Parties are advised they must construct and operate a licensed site so that trespassers are protected, even after a site have been transferred to the State or Federal governments, but they are not advised as to the standards the Department will employ in reaching such a finding. The rules fail to advise the licensees what is required of them.

Therefore, the Joint Committee objects to Section 332.180 of the Department of Nuclear Safety's rulemaking entitled "Licensing Requirements for Source Material Milling Facilities" (32 Ill. Adm. Code 332), because, the Department has failed to provide standards governing how the Department will evaluate whether a source material milling facility's design, operation and closure shall protect any individual inadvertently entering into the area, in violation of Section 4.02 of the Illinois Administrative Procedure Act.

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Objection 7

The Joint Committee objects to Section 332.200 of the Department of Nuclear Safety's rulemaking entitled "Licensing Requirements for Source Material Milling Facilities" (32 Ill. Adm. Code 332), because, the Department has failed to provide standards governing how the Department will evaluate whether a byproduct material disposal site is designed, used, operated, stabilized and closed to achieve long-term stability, in violation of Section 4.02 of the Illinois Administrative Procedure Act.

Section 332.200 of the Department's rulemaking states a byproduct disposal site is to be "designed, used, operated, stabilized and closed to achieve long-term stability" and to eliminate the need for active maintenance following closure. The Department was asked to provide standards governing how it would make such findings. The Department declined to do so, stating that its revision of the text of the rulemaking would jeopardize approval by the NRC of the Department's rules and subsequent obtainment by the Department of "agreement state" status. The Department also stated the questioned text expressed the ALARA concept expressed throughout this rulemaking, in which any radiation exposure is presumed to be bad and regulated parties are directed to take measures to reduce radiation exposure "as low as reasonably achievable".

The Department's argument that its rules must be in the format adopted or approved by the NRC echoes the position taken by the Department of Mines and Minerals with regard to its mine reclamation rules that it could not change its rules to address Joint Committee concerns because federal program approval would be denied. Ultimately, the Department of Mines and Minerals pledged to pursue further rulemaking. The Department of Nuclear Safety can do so as well. The Department could have obtained a preliminary review by the Joint Committee of its rulemaking and submitted the concerns of the Joint Committee to the NRC, or, negotiated with the NRC to have clarifying text added. The Department did not request a preliminary review, and those changes in text that it did submit to the NRC to avoid inquiries by the Joint Committee were not submitted to the NRC until late in 1988, without input or participation by the Joint Committee. Compliance with the Illinois Administrative Procedure Act does not preclude state agencies from obtaining federal program approval of their administrative rules.

Section 4.02 of the Illinois Administrative Procedure Act (IAPA) (Ill. Rev. Stat. 1987, ch. 127, par. 1004.02) provides that "Each rule which

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implements a discretionary power to be exercised by an agency shall include the standards by which the agency shall exercise the power. Such standards shall be stated as precisely and clearly as practicable under the conditions, to inform fully those persons affected." The Department's rulemaking fails to satisfy this standard. Despite the Department's explanation that the questioned text merely advises regulated parties of the ALARA goal or concept, the fact remains licensees are directed to construct and operate a disposal site that achieves long-term stability, but are not advised as to the standards the Department will employ in evaluating a licensee's disposal site. Clearly, the Department could do more to state its policies "precisely and clearly as practicable" in this circumstance, but the Department has not done so.

Therefore, the Joint Committee objects to Section 332.200 of the Department of Nuclear Safety's rulemaking entitled "Licensing Requirements for Source Material Milling Facilities" (32 Ill. Adm. Code 332), because, the Department has failed to provide standards governing how the Department will evaluate whether a byproduct material disposal site is designed, used, operated, stabilized and closed to achieve long-term stability, in violation of Section 4.02 of the Illinois Administrative Procedure Act.

Objection 8

The Joint Committee objects to Section 332.210 of the Department of Nuclear Safety's rulemaking entitled "Licensing Requirements for Source Material Milling Facilities" (32 Ill. Adm. Code 332), because, the Department has failed to clarify or provide standards governing how the Department will make key determinations pertaining to siting criteria for byproduct material disposal sites, including: whether a buffer zone distance is adequate; that a site's geology is simple enough to provide reliable hydrological modeling; that the depth to the water table at a site will not permit groundwater intrusion; that the hydrology, geology, etc., of a site contribute to continued immobilization and containment of the ensure waste containment for 1,000 years after decommissioning of the site; that a site's location is located near where other activities or facilities could affect the ability of a site to meet the requirements of this Part; that a site is not located above a geologic fault system; how an earthquake evaluation is to be performed by licensees; and what is deemed by the Department to be a "large" byproduct disposal site, in violation of Section 4.02 of the Illinois Administrative Procedure Act.

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Section 332.210 of the Department's rulemaking prescribes technical criteria for radioactive byproduct material disposal sites, more particularly, siting criteria. It provides that a buffer zone distance for a disposal site waste control unit and the control boundary be "adequate" to carry out monitoring and remedial activities. Section 332.210(b)(3) states that a site's "geology must be simple enough to allow reliable hydrological modeling" and Section 332.210(b)(4) provides that the "depth to the water table at the disposal site shall not permit groundwater intrusion, perennial or otherwise, into the waste."

Section 332.210(b)(5) of the Department's rulemaking requires that:

[T]he natural characteristics of the disposal site such as hydrology, geology, and topography shall contribute to continued immobilization and containment, and shall ensure that waste will be contained within the disposal site boundary for a period of at least 1,000 years after the decommissioning;

Section 332.210(b)(6) of the Department's rulemaking states that:

[T]he disposal site shall not be located where other facilities, activities or land uses could adversely impact the ability of the site to meet the technical criteria of this Part, or mask the environmental impacts of the disposal area;

Section 332.210(b)(7) of the Department's rulemaking states that:

[T]he disposal area structure shall not be located above a geologic fault system. The disposal site geology must be stable, i.e., mass wasting, erosion, slumping, or land sliding shall not adversely affect the long-term containment.

Section 332.210(b)(8) defines the phrase "maximum credible earthquake" as that earthquake which would cause maximum ground motion "based upon an evaluation of earthquake potential considering the regional and local geology and seismology and specific characteristics of local

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subsurface material." Section 332.210(d) states byproduct material shall be disposed of at existing large byproduct disposal sites.

The Department was asked to prescribe the level of detail and provide standards, cross-references or clarify how it would reach a finding that the above elements and terms had been met [questions 63-70 of the Joint Committee's General Problems and Questions Concerning Proposed Rulemaking submitted to the Department on December 12, 1989]. In all instances, the Department declined to do so, stating that its revision of the text of the various elements would jeopardize approval by the NRC of the Department's rules and subsequent obtainment by the Department of "agreement state" status. The Department generally declined to provide text clarifying various phrases or provide standards governing how it would make determinations that the above stated requirements had been met. Illustrations of the Department's refusal to address Joint Committee inquiries follow:

1) The Department refused to provide standards governing how it would determine that a licensee's buffer zone distance between a waste control unit and control boundary was "adequate".

2) The Department refused to clarify how a site's depth to the water table shall not permit groundwater intrusion into the waste disposed at the site.

3) The Department refused to provide standards or criteria by which a licensee could achieve compliance with the requirement that the natural characteristics of the site such as hydrology, geology, and topography contribute to continued immobilization and containment, and ensure that waste will be contained within the disposal site boundary for a period of at least 1,000 years after decommissioning.

4) Section 332.210(b)(8) defines the phrase "maximum credible earthquake" as that earthquake which would cause maximum ground motion "based upon an evaluation of earthquake potential considering the regional and local geology and seismology and specific characteristics of local subsurface material." The Department refused to clarify its rulemaking to state how this evaluation is to be performed.

Section 4.02 of the Illinois Administrative Procedure Act (IAPA) (Ill. Rev. Stat. 1987, ch. 127, par. 1004.02) provides that "Each rule which implements a discretionary power to be exercised by an agency shall include the standards by which the agency shall exercise the power."

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Such standards shall be stated as precisely and clearly as practicable under the conditions, to inform fully those persons affected." The Department's rulemaking fails to satisfy this standard. The Department could state with more precision and clarity the standards by which it will evaluate technical data submitted by the regulated class or how compliance with the Department's rules could be achieved. How, for example, is a licensee to make certain that the natural characteristics of a disposal site contribute to containment of emplaced material and ensure containment for 1,000 years after decommissioning if the Department fails to provide in its rulemaking the standards and technical specifications by which it shall evaluate the licensee's submitted material? For each of questions 63-70 prepared by the Joint Committee, the Department refused to provide standards or clarifying text, stating that NRC approval was dependent on the rules remaining in their present form.

As has been stated in previous recommendations, this argument was not accepted by the Joint Committee in 1986 when the Department sought initial agreement state status, nor has it been accepted when put forth by other agencies, such as the Department of Mines and Minerals. Compliance with the Illinois Administrative Procedure Act does not preclude state agencies from obtaining federal program approval of their administrative rules.

Therefore, the Joint Committee objects to Section 332.210 of the Department of Nuclear Safety's rulemaking entitled "Licensing Requirements for Source Material Milling Facilities" (32 Ill. Adm. Code 332), because, the Department has failed to clarify or provide standards governing how the Department will make key determinations pertaining to siting criteria for byproduct material disposal sites, including: whether a buffer zone distance is adequate; that a site's geology is simple enough to provide reliable hydrological modeling; that the depth to the water table at a site will not permit groundwater intrusion; that the hydrology, geology, etc., of a site contribute to continued immobilization and containment and ensure waste containment for 1,000 years after decommissioning of the site; that a site's location is located near where other activities or facilities could affect the ability of a site to meet the requirements of this Part; that a site is not located above a geologic fault system; how an earthquake evaluation is to be performed by licensees; and what is deemed by the Department to be a "large" byproduct disposal site, in violation of Section 4.02 of the Illinois Administrative Procedure Act.

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The Joint Committee objects to Section 332.220 of the Department of Nuclear Safety's rulemaking entitled "Licensing Requirements for Source Material Milling Facilities" (32 Ill. Adm. Code 332), because, the Department has failed to clarify or provide standards governing how the Department will make licensing determinations pertaining to approval of design criteria for byproduct material disposal sites, including: whether groundwater formation is "relatively close" to the surface or "not very well isolated" by overlying soil or rock, that conditions make full below grade disposal impracticable; the level and scope of detail required of below or above grade disposal plans; that disposal site surfaces are contoured to "avoid areas of concentrated surface runoff or abrupt or sharp changes in slope" and that areas toward which surface runoff might be directed shall be "well protected with rock cover or rip rap"; that rock covering of slopes is unnecessary because "bulk cover materials have inherently favorable erosion resistance characteristics"; "there is negligible drainage catchment area upstream"; that "topographic features of the site provide wind protection" and how the Department will determine that rock cover fragments are "dense", "sound" and are resistant to abrasion, and, free of defects that will tend to unduly increase their destruction and is not "weak, friable or laminated aggregate", in violation of Section 4.02 of the IAPA.

Section 332.220 of the Department's rulemaking prescribes technical design criteria for radioactive byproduct material disposal sites. The Agency Note for Section 332.220(a)(1) states that below grade disposal is not the most environmentally sound approach if a groundwater formation is "relatively close" to the surface or "not very well isolated" by overlying soils or rock and that geologic and topographic conditions might make full below grade disposal impracticable. Sections 332.220(a)(1) and (a)(2) state the licensee is to submit either a below or above grade disposal plan.

Section 332.220(b)(2) states disposal site surfaces shall be contoured to "avoid areas of concentrated surface runoff or abrupt or sharp changes in slope" and that areas toward which surface runoff might be directed shall be "well protected with rock cover or rip rap." Sections 332.220(e)(3), (4) and (5) list five circumstances in which rock covering of slopes is unnecessary, such as: "bulk cover materials have inherently favorable erosion resistance characteristics"; there is negligible drainage catchment area upstream"; and "topographic features of the site provide wind protection". Finally, Section 332.220(f)(4) states individual rock fragments for rock cover at a site shall be "dense,

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sound, and resistant to abrasion, and shall be free of cracks, seams and other defects that would tend to unduly increase their destruction by water and frost actions. Weak, friable, or laminated aggregate shall not be used."

The Department was asked to prescribe the level of detail and provide standards or clarify how it would reach a finding that the above elements and terms had been met [questions 71-72 and 74-79 of the Joint Committee's General Problems and Questions Concerning Proposed Rulemaking submitted to the Department on December 12, 1989]. In all instances, the Department declined to do so, stating that its revision of the text of the various elements would jeopardize approval by the NRC of the Department's rules and subsequent obtainment by the Department of "agreement state" status. Illustrations of the Department's refusal to address Joint Committee inquiries follow:

- 1) The Department declined to clarify its rulemaking or provide standards governing how it will determine whether a groundwater formation is "relatively close" or "not very well isolated," or prescribe in its rulemaking the circumstances under which "geologic and topographic conditions might make full below grade disposal impracticable".
- 2) The Department in its rulemaking refused to provide the scope and level of detail, subject matter requirements and documentary requirements for below or above grade disposal plans submitted to it.
- 3) The Department refused to state in its rulemaking how it shall make a finding that "bulk cover materials have inherently favorable erosion resistance characteristics", how it will make a finding that a site has "a negligible drainage catchment area upstream" or how it shall make a finding that "topographic features of a site provide wind protection".

Section 4.02 of the Illinois Administrative Procedure Act (IAPA) (Ill. Rev. Stat. 1987, ch. 127, par. 1004.02) provides that "Each rule which implements a discretionary power to be exercised by an agency shall include the standards by which the agency shall exercise the power. Such standards shall be stated as precisely and clearly as practicable under the conditions, to inform fully those persons affected." The Department's rulemaking fails to satisfy this standard. Licensees are to submit an extensive inventory of technical design criteria for byproduct disposal sites, but are left in the dark as to what, specifically, will

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satisfy concerns expressed by the Department in its rulemaking. Rock cover for a site, for example, is to be "dense, sound and free of cracks", but the Department declines to specify the degree of "denseness" that will satisfy this requirement. Clearly, the Department could provide technical specifications for many of the unresolved inquiries of the Joint Committee, but it refuses to do so, arguing that NRC program approval is dependent on the Department's rules remaining in their present form.

The Department's argument that its rules must be in the format approved or adopted by the NRC echoes the position taken by the Department of Mines and Minerals with regard to its mine reclamation rules that it could not change its rules to address Joint Committee concerns because federal program approval would be denied. The Joint Committee did not accept the Department's argument in 1986 when it first sought agreement state status, nor did it accept it when put forth by the Department of Mines and Minerals. The Department could also have obtained a preliminary review by the Joint Committee of its rulemaking and submitted the concerns of the Joint Committee to the NRC, or, negotiated with the NRC to have clarifying text added. The Department did not request a preliminary review, and those changes in text that it did submit to the NRC to avoid inquiries by the Joint Committee were not submitted to the NRC until late in 1988, without input or participation by the Joint Committee. Compliance with the Illinois Administrative Procedure Act does not preclude state agencies from obtaining federal program approval of their administrative rules.

Therefore, the Joint Committee objects to Section 332.220 of the Department of Nuclear Safety's rulemaking entitled "Licensing Requirements for Source Material Milling Facilities" (32 Ill. Adm. Code 332), because, the Department has failed to clarify or provide standards governing how the Department will make licensing determinations pertaining to approval of design criteria for byproduct material disposal sites, including: whether groundwater formation is "relatively close" to the surface or "not very well isolated" by overlying soil or rock, that conditions make full below grade disposal impracticable; the level and scope of detail required of below or above grade disposal plans; that disposal site surfaces are contoured to "avoid areas of concentrated surface runoff or abrupt or sharp changes in slope" and that areas toward which surface runoff might be directed shall be "well protected with rock cover or rip rap"; that rock covering of slopes is unnecessary because "bulk cover materials have inherently favorable erosion resistance characteristics"; "there is negligible drainage catchment area upstream"; that "topographic features of the site provide wind

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protection" and how the Department will determine that rock cover fragments are "dense", "sound" and are resistant to abrasion, and, free of defects that will tend to unduly increase their destruction and is not "weak, friable or laminated aggregate", in violation of Section 4.02 of the IAPA.

Objection 10

The Joint Committee objects to Section 332.230 of the Department of Nuclear Safety's rulemaking entitled "Licensing Requirements for Source Material Milling Facilities" (32 Ill. Adm. Code 332), because, the Department has failed to provide cross-references, clarify, or provide standards governing how the Department will make key licensing determinations concerning groundwater protection technical measures for radioactive byproduct material disposal sites, including: how it will determine submitted information has a "sufficient basis to identify those hazardous constituents which require concentration limit standards to enable the Department to set limits for those constituents"; how it shall determine that data provides a basis for adjustments to the point of compliance; how it shall determine compliance monitoring and corrective action program adequacy; and describe the "stated objective" of a groundwater monitoring program, in violation of Section 4.02 of the Illinois Administrative Procedure Act.

Section 332.230 of the Department's rulemaking outlines technical requirements for groundwater protection programs for radioactive byproduct material disposal sites. Section 332.230(b) of the Department's rulemaking states that material to be submitted to the Department "shall provide a sufficient basis to identify those hazardous constituents which require concentration limit standards and to enable the Department to set the limits for those constituents and the compliance period. The data and information shall also provide the basis for adjustments to the point of compliance, if necessary." Section 332.230(c) makes reference to a "compliance monitoring program" and "corrective action monitoring program" to determine compliance with "standards" set by the Department and "demonstrate the effectiveness of the corrective actions". Section 332.230(c) states a licensee is to establish a groundwater monitoring program, whose stated purpose is to demonstrate the effectiveness of the corrective actions and that any required monitoring program may be based on existing monitoring programs to the extent the existing programs can meet the "stated objective" for the program.

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The Department was asked to prescribe the level of detail and provide standards or clarify how it would reach a finding that the above elements and terms had been met [Questions 81-83 of the Joint Committee's General Problems and Questions Concerning Proposed Rulemaking submitted to the Department on December 12, 1989]. In all instances, the Department declined to do so, stating that its revision of the text of the various elements would jeopardize approval by the NRC of the Department's rules and subsequent obtainment by the Department of "agreement state" status.

Section 4.02 of the Illinois Administrative Procedure Act (IAPA) (Ill. Rev. Stat. 1987, ch. 127, par. 1004.02) provides that "Each rule which implements a discretionary power to be exercised by an agency shall include the standards by which the agency shall exercise the power. Such standards shall be stated as precisely and clearly as practicable under the conditions, to inform fully those persons affected." The Department's rulemaking fails to satisfy this standard. The regulated class is told to prepare an exhaustive groundwater protection plan concerning numerous technical components, but is not advised as to the level of specificity of material required to be submitted or the standards by which the Department will evaluate submitted information. Clearly the Department could do more to describe "precisely and clearly as practicable" what data is to be submitted concerning the procedures and level of scrutiny it will employ in evaluating compliance and corrective action programs, that submitted data has a "sufficient basis to identify hazardous constituents which require concentration limit standards, and clarify what the "stated objective" is for a groundwater protection program. The Department refused to address the inquiries of the Joint Committee, arguing that NRC program approval and agreement state status would be jeopardized if the rules were modified.

As stated in previous recommendations, this argument was not accepted by the Joint Committee when the Department first sought agreement state status, nor has it been accepted when put forth by other agencies, such as the Department of Mines and Minerals. Compliance with the Illinois Administrative Procedure Act does not preclude state agencies from obtaining federal program approval of their administrative rules.

Therefore, the Joint Committee objects to Section 332.230 of the Department of Nuclear Safety's rulemaking entitled "Licensing Requirements for Source Material Milling Facilities" (32 Ill. Adm. Code 332), because, the Department has failed to provide cross-references, clarify, or provide standards governing how the Department will make key licensing determinations concerning groundwater protection technical

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measures for radioactive byproduct material disposal sites, including: how it will determine submitted information has a "sufficient basis to identify those hazardous constituents which require concentration limit standards to enable the Department to set limits for those constituents"; how it shall determine that data provides a basis for adjustments to the point of compliance; how it shall determine compliance monitoring and corrective action program adequacy; and describe the "stated objective" of a groundwater monitoring program, in violation of Section 4.02 of the Illinois Administrative Procedure Act.

Objection 11

The Joint Committee objects to Section 332.240 of the Department of Nuclear Safety's rulemaking entitled "Licensing Requirements for Source Material Milling Facilities" (32 Ill. Adm. Code 332), because, the Department has failed to clarify or provide standards governing how the Department will make key licensing determinations concerning: how it will evaluate whether a disposal site's design assures compliance with Section 332.170(c) of this rulemaking for 1,000 years; that soil samples are taken from similar soil samples under similar circumstances; that soils used for near surface cover are essentially the same as surrounding surface soils; what the Department considers to be "elevated levels of radium" at a site; that long term substituted cover material does not degrade over long-term intervals and that to "the extent necessary to prevent threats to human health and the environment, the licensee shall control or eliminate postclosure escape of nonradiological hazardous constituents, leachate, contaminated rainwater, or waste decomposition products to groundwater, surface water or to the atmosphere," in violation of Section 4.02 of the Illinois Administrative Procedure Act.

Section 332.240(a) of the Department's rulemaking is captioned "Technical Criteria for Byproduct Material Disposal Sites - Control of Radiation Hazards." Subsection (a) provides in relevant part:

Licensees shall...close the disposal site in accordance with a design which assures compliance with the requirements specified in Section 332.170(c) for a period of 1,000 years.... In computing required byproduct material area cover thicknesses, average moisture in the cover shall be determined from similar soils and under similar circumstances. If material other than soil is proposed as cover material, it shall be

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demonstrated that such material will not crack or degrade by differential settlement, weathering, or other mechanism, over long-time intervals...soils used for near surface cover shall be essentially the same, as far as radioactivity is concerned, as that of surrounding surface soils.

Section 332.240(b) provides: that to "the extent necessary to prevent threats to human health and the environment, the licensee shall control or eliminate postclosure escape of nonradiological hazardous constituents, leachate, contaminated rainwater, or waste decomposition products to groundwater, surface water or to the atmosphere." The Department was asked to provide standards or clarify how it would reach a finding that the above elements and terms had been met [Questions 84-88] of the Joint Committee's General Problems and Questions Concerning Proposed Rulemaking submitted to the Department on December 21, 1989]. In all instances, the Department declined to do so, stating that its revision of the text of various elements would jeopardize approval by the NRC of the Department's rules and subsequent obtainment by the Department of "agreement state" status.

The Department refused to provide standards governing how it will evaluate whether a design assures compliance with Section 332.170(c) of its rulemaking for a period of 1,000 years, prescribe in its rulemaking how it will find that samples are taken from similar soils under similar circumstances, state in its rulemaking what it considers to be elevated levels of radium or how it shall find that soils used for near surface cover are "essentially the same, as far as radioactivity is concerned, as that of surrounding surface soils." Section 332.240(a) of the Department's rulemaking states substituted cover material is not to degrade over "long-term intervals." The Department refused to state what it deems to be "long-term intervals."

Section 4.02 of the Illinois Administrative Procedure Act (IAPA) (Ill. Rev. Stat. 1987, ch. 127, par. 1004.02) provides that "Each rule which implements a discretionary power to be exercised by an agency shall include the standards by which the agency shall exercise the power. Such standards shall be stated as precisely and clearly as practicable under the conditions, to inform fully those persons affected." The Department's rulemaking fails to satisfy this standard. The regulated class must comply with radiation protection requirements, but is not advised the standards by which the Department will evaluate a licensee's operation. The Department refused to address the inquiries of the Joint

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Committee, arguing that NRC program approval and agreement state status would be jeopardized if the rules were modified.

As stated in previous recommendations, this argument was not accepted by the Joint Committee when the Department first sought agreement state status, nor has it been accepted when put forth by other agencies, such as the Department of Mines and Minerals. Compliance with the Illinois Administrative Procedure Act does not preclude state agencies from obtaining federal program approval of their administrative rules.

Therefore, the Joint Committee objects to Section 332.240 of the Department of Nuclear Safety's rulemaking entitled "Licensing Requirements for Source Material Milling Facilities" (32 Ill. Adm. Code 332), because, the Department has failed to clarify or provide standards governing how the Department will make key licensing determinations concerning: how it will evaluate whether a disposal site's design assures compliance with Section 332.170(c) of this rulemaking for 1,000 years; that soil samples are taken from similar soil samples under similar circumstances; that soils used for near surface cover are essentially the same as surrounding surface soils; what the Department considers to be "elevated levels of radium" at a site; that long term substituted cover material does not degrade over long-term intervals and that to "the extent necessary to prevent threats to human health and the environment, the licensee shall control or eliminate postclosure escape of nonradiological hazardous constituents, leachate, contaminated rainwater, or waste decomposition products to groundwater, surface water or to the atmosphere," in violation of Section 4.02 of the Illinois Administrative Procedure Act.

Objection 12

The Joint Committee objects to Section 332.250 of the Department of Nuclear Safety's rulemaking entitled "Licensing Requirements for Source Material Milling Facilities" (32 Ill. Adm. Code 332) because, the Department has failed to clarify or provide cross-references or standards concerning how the Department will make key determinations concerning its review of technical criteria concerning source material milling operations, more particularly: the procedures by which an independent quality assurance program is established; what it deems to be adverse groundwater impacts or conditions conducive to alleviate such impacts; that all "practicable measures" to control emissions at the source have been taken; and whether conditions are within a "range prescribed to ensure that equipment is operating consistently near peak efficiency".

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTIONDEPARTMENT OF NUCLEAR SAFETY
(Continued Page 31)

Section 332.250 of the Department's rulemaking outlines technical requirements for operations at a source material milling facility licensed by the Department under this Part. Section 332.250(c) states "an independent quality assurance program shall be established to assure that specifications of the monitoring program" are met and that if "adverse groundwater impacts or conditions conducive to adverse groundwater impacts occur", action shall be taken to alleviate the conditions. Section 332.250(d) states that institutional controls, such as extending the licensed site boundary and exclusion area, may be employed to ensure that offsite exposure limits are met, but only after all practicable measures have been taken to control emissions at the source and that source material milling operations shall be conducted so that all airborne effluent releases and radiation exposures are reduced to levels as low as is reasonably achievable. Section 332.250(d) states it shall be determined whether or not conditions are within a range prescribed to ensure that the equipment is operating consistently near peak efficiency and that when operations are shutdown and repairs conducted, that "drying and packaging operations shall cease as soon as practicable."

During the Joint Committee's review of this rulemaking, the Department was asked provide standards governing how it would reach a finding that the above elements and terms had been met [Questions 89-90 and 92-94 of the Joint Committee's General Problems and Questions Concerning Proposed Rulemaking submitted to the Department on December 12, 1989]. The Department declined to do so, stating that its revision of the text of the various defined terms would jeopardize approval by the NRC of the Department's rules and subsequent obtainment by the Department of "agreement state" status.

This argument was not recognized by the Joint Committee when it reviewed the Department's initial series of rulemakings to achieve agreement state status or when put forth by other agencies, such as the Department of Mines and Minerals. The Department made many revisions to its rulemakings in 1986 to address Joint Committee concerns, action that it is not willing to take in this instance. The Department could have submitted Joint Committee concerns to the NRC to advise that body of Illinois state rulemaking procedures and review criteria. Instead, the Department argues its rules be taken as is. The Department's argument has not been accepted by the Joint Committee before, and should not be accepted now.

Section 4.02 of the Illinois Administrative Procedure Act (IAPA) (Ill. Rev. Stat. 1987, ch. 127, par. 1004.02) provides that "Each rule which

JOINT COMMITTEE ON ADMINISTRATIVE RULES
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implements a discretionary power to be exercised by an agency shall include the standards by which the agency shall exercise the power. Such standards shall be stated as precisely and clearly as practicable under the conditions, to inform fully those persons affected."

The Department's rulemaking fails to satisfy this standard. The regulated class is told to achieve numerous radiation protection components, but is not advised of the standards by which the Department will evaluate a licensee's activities. Clearly the Department could do more to specify the method by which an independent quality assurance program is to be established) provide technical specifications as to what it deems to be adverse groundwater impacts; and provide standards evaluating whether all practicable measures to control emissions at the source have been taken and the range prescribed that equipment is operating consistently near peak efficiency. In response to the last stated element, the Department reported it was referring to manufacturer's specifications, but stated it would not so state in its rulemaking, again citing the fear that its rules would not be approved by the NRC. The NRC should not object to additional text clarifying the Department's policies. The Department plans to regulate this licensed activity, and yet it has failed to advise the regulated class what is expected of it.

Therefore, the Joint Committee objects to Section 332.250 of the Department of Nuclear Safety's rulemaking entitled "Licensing Requirements for Source Material Milling Facilities" (32 Ill. Adm. Code 332) because, the Department has failed to clarify or provide cross-references or standards concerning how the Department will make key determinations concerning its review of technical criteria concerning source material milling operations, more particularly: the procedures by which an independent quality assurance program is established; what it deems to be adverse groundwater impacts or conditions conducive to alleviate such impacts; that all "practicable measures" to control emissions at the source have been taken; and whether conditions are within a "range prescribed to ensure that equipment is operating consistently near peak efficiency".

Objection 13

The Joint Committee objects to Section 332.290(f) of the Department of Nuclear Safety's rulemaking entitled "Licensing Requirements for Source Material Milling Facilities" (32 Ill. Adm. Code 332) because, the Department has failed to clarify or provide standards governing how the

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Department will evaluate status reports prepared by licensees, in violation of Section 4.02 of the Illinois Administrative Procedure Act.

Section 332.290(f) of the Department's rulemaking requires licensees to submit status reports twice annually to the Department including such information as: (1) the quantity of radionuclides; (2) results of an environmental monitoring program; (3) a requirement that data be reported in a manner that the Department can confirm potential radiation doses to the public; (4) a summary of survey and maintenance activities; (5) a summary of milling operations; (6) a report of circumstances "significantly different" from those reported in the license application; and (7) a discussion of the cause of a release if 25% greater than anticipated in the license application.

During the Joint Committee's review of this rulemaking, the Department was asked to prescribe the level of detail of required submissions in Sections 332.290(f)(1)-(7) and provide standards governing how it would reach a finding that the above elements and terms had been met [Question 104 of the Joint Committee's General Problems and Questions Concerning Proposed Rulemaking submitted to the Department on December 12, 1989]. The Department declined to do so, stating that its revision of the text of the various defined terms would jeopardize obtainment by the Department of "agreement state" status.

This argument was not recognized by the Joint Committee when it reviewed the Department's initial series of rulemakings to achieve agreement state status or when put forth by other agencies, such as the Department of Mines and Minerals. The Department made many revisions to its rulemakings in 1986 to address Joint Committee concerns, action that it is not willing to take in this instance. The Department could have submitted Joint Committee concerns to the NRC to advise that body of Illinois state rulemaking procedures and review criteria. Instead, the Department argues its rules be taken as is. The Department's argument has not been accepted by the Joint Committee before, and should not be accepted now.

Section 4.02 of the Illinois Administrative Procedure Act (IAPA) (Ill. Rev. Stat. 1987, ch. 127, par. 1004.02) provides that "Each rule which implements a discretionary power to be exercised by an agency shall include the standards by which the agency shall exercise the power. Such standards shall be stated as precisely and clearly as practicable under the conditions, to inform fully those persons affected."

JOINT COMMITTEE ON ADMINISTRATIVE RULES
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DEPARTMENT OF NUCLEAR SAFETY
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The Department's rulemaking fails to satisfy this standard. The regulated class is told to prepare status reports twice annually covering numerous components, but is not advised as to the level of specificity of material required to be submitted or the standards by which the Department will evaluate submitted information. Clearly the Department could do more to describe what it deems to be an adequate summary of survey and maintenance activities, milling operations, and what is deemed by the Department to be circumstances "significantly different" than those reported in the license application. The Department plans to regulate this licensed activity, and yet it has failed to advise the regulated class what is expected of it. Once again the regulated class is left in the dark as to what level of detail is required or the standards by which the Department will evaluate such submissions.

Therefore, the Joint Committee objects to Section 332.290(f) of the Department of Nuclear Safety's rulemaking entitled "Licensing Requirements for Source Material Milling Facilities" (32 Ill. Adm. Code 332) because, the Department has failed to clarify or provide standards governing how the Department will evaluate status reports prepared by licensees, in violation of Section 4.02 of the Illinois Administrative Procedure Act.

88605874

1) Heading of the Part:

Asbestos Abatement for Public and Private Schools in Illinois

2) Code Citation:

77 Ill. Adm. Code 855

3) Register Citation to Notice of Proposed Amendments:

14 Ill. Reg. 172 - January 5, 1990

4) Date, Time and Location of Public Hearing:

1:00 p.m.
February 23, 1990
9th Floor - Room 40
State of Illinois Center
Illinois Department of Public Health
100 West Randolph
Chicago, Illinois 60601

5) Other Pertinent Information:

The hearings will be for the sole purpose of gathering public comment on the proposed amendments. Persons interested in presenting testimony at this hearing are advised that the Department will adhere to the following procedures in the conduct of the hearing:

1. Each person presenting oral testimony shall provide to the Hearing Officer a written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony shall be accepted without such written copy of the testimony being provided.
2. Each person presenting oral testimony will be limited to fifteen (15) minutes for the presentation of such testimony.
3. No person will be recognized to speak for a second time until all persons wishing to testify have done so. All testimony shall conclude at the specific times except that an individual in the midst of presenting testimony shall be allowed to complete his/her testimony.
4. In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the Hearing Officer may impose such other rules of procedure, including the order of call of witnesses, as he/she deems necessary.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

6) Name and Address of Agency Contact Person:

Questions regarding these proposed amendments or public hearings shall be directed to:

Mr. Robert John Kane
Administrative Rules Coordinator
Illinois Department of Public Health
525 West Jefferson, Second Floor
Springfield, Illinois 62761

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

1) Heading of the Part:

Emergency Medical Services Code

2) Code Citation:

77 Ill. Adm. Code 535

3) Register Citation to Notice of Proposed Amendments:

This issue of the Illinois Register.

4) Date, Time and Location of Public Hearing:

10:00 a.m.
February 23, 1990
9th Floor - Room 40
State of Illinois Center
Illinois Department of Public Health
100 West Randolph Street
Chicago, Illinois 60601

5) Other Pertinent Information:

The hearings will be for the sole purpose of gathering public comment on the proposed amendments. Persons interested in presenting testimony at this hearing are advised that the Department will adhere to the following procedures in the conduct of the hearing:

1. Each person presenting oral testimony shall provide to the Hearing Officer a written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony shall be accepted without such written copy of the testimony being provided.
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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

6) Name and Address of Agency Contact Person:

Questions regarding these proposed amendments or public hearings shall be directed to:

Mr. Robert John Kane
Administrative Rules Coordinator
Illinois Department of Public Health
525 West Jefferson, Second Floor
Springfield, Illinois 62761

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PUBLIC HEARING ON PROPOSED RULES

1) Heading of the Part:

Life Care Facilities Contract Code

2) Code Citation:

77 Ill. Adm. Code 396

3) Register Citation to Notice of Proposed Amendments:

13 Ill. Reg. 18177 - November 27, 1989

4) Date, Time and Location of Public Hearing:

3:00 p.m.
February 23, 1990
9th Floor - Room 40
State of Illinois Center
Illinois Department of Public Health
100 West Randolph
Chicago, Illinois 60601

5) Other Pertinent Information:

The hearings will be for the sole purpose of gathering public comment on the proposed rules. Persons interested in presenting testimony at this hearing are advised that the Department will adhere to the following procedures in the conduct of the hearing:

1. Each person presenting oral testimony shall provide to the Hearing Officer a written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony shall be accepted without such written copy of the testimony being provided.
2. Each person presenting oral testimony will be limited to fifteen (15) minutes for the presentation of such testimony.
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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PUBLIC HEARING ON PROPOSED RULES

6) Name and Address of Agency Contact Person:

Questions regarding these proposed rules or public hearings shall be directed to:

Mr. Robert John Kane
Administrative Rules Coordinator
Illinois Department of Public Health
525 West Jefferson, Second Floor
Springfield, Illinois 62761

ILLINOIS DEPARTMENT OF THE LOTTERY

NOTICE OF PUBLIC INFORMATION

Pursuant to Public Act 86-433, effective January 1, 1990, the Illinois Department of the Lottery shall publish each January in the Illinois Register a list of all game-specific rules, play instructions, directives, operations manuals, brochures, or other game-specific publications were issued by the Department during the previous year. Following is the list of game-specific materials published by the Lottery during calendar year 1989.

"How to Play Solid Gold" instant game instructions
"How to Play Bulls Fever" instant game instructions
"How to Play Magic Moment" instant game instructions
"How to Play Win, Lose or Draw" instant game instructions
"How to Play High Card" instant game instructions
"How to Play the \$100,000 Fortune Hunt Instant Game" instructions
"How to Play Big Money" instant game instructions
"How to Play Holiday Cash" instant game instructions
"How to Play Celebration '89" instant game instructions
Departmental Directive #89-15; Revised #90-01: Win, Lose or Draw Special Drawing
Departmental Directive #90-03: \$100,000 Fortune Hunt Bonus Prizes
Departmental Directive #90-04: Michael Jordan "Hang Time"/ Little Lotto Calendar Promotion
Departmental Directive #90-05: Holiday Bonus Promotion
Departmental Directive #90-06: Special Game Designation: Hoopla
Departmental Directive #90-07: Special Game Designation: Holiday Cash II
Game Rules - Instant Game No. 50, "Bulls Fever" (Addendum)
Game Rules - Instant Game No. 52, "Win, Lose or Draw"
Game Rules - Instant Game No. 53, "High Card"
Game Rules - Instant Game No. 54, "Celebration '89"
Game Rules - Instant Game No. 55, "\$100,000 Fortune Hunt"
Game Rules - Instant Game No. 56, "Holiday Cash"
Game Rules - Instant Game No. 57, "Big Money"
Game Rules - Instant Game No. 58, "Hoopla"
\$100,000 Fortune Hunt Game Show Preliminary Drawing Procedures
\$100,000 Fortune Hunt Game Show Procedures
Revised \$100,000 Fortune Hunt Game Show Preliminary Drawing Procedures
Revised \$100,000 Fortune Hunt Game Show Procedures

Copies of the foregoing may be obtained by submitting a written request to:

Freedom of Information Officer
Illinois Department of the Lottery
P. O. Box 19080
Springfield, Illinois 62794-9080

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish this information in the Illinois Register:

Name of Act: Illinois Department of Revenue Sunshine Act
Citation: Ill. Rev. Stat. 1987, ch. 127, par. 2001
(Public Act 82-727, effective November 12, 1981)

2. Summary of information:

Index of Department of Revenue Sales and Excise Tax letter rulings issued for the Third Quarter of 1989.

The ruling letters are listed numerically with a brief synopsis and then indexed by subject area.

Sales and Excise Tax subject headings are as follows:

Agents	Itinerant Vendors
Agricultural Producers & Products	Leasing
Assessments	Liquor Tax
Auto Renting Tax	Local Taxes
Bingo	Mandatory Service Charges
Books and Records	Manufacturers
Bulk Sales	Manufacturing Machinery and Equipment
C.O.A.D.	Miscellaneous
Certificate of Registration	Motor Fuel Tax
Cigarette Tax	Motor Vehicles
Claims for Credit	Nexus
Coal Fueled Devices	Non-profit Institutions
Coal Mining Equipment	Occasional Sale
Coins & Precious Metals	Oil Field Equipment
Computer Software	Penalties
Construction Contractors	Pollution Control Facilities
Cooperative Associations	Prepaid Sales Tax
Delivery Charges	Products of Photoprocessing
Distillation Machinery	Property Tax
Enterprise Zones	Public Utility Taxes
Exempt Organizations	Real Estate Transfer Tax
Farm Machinery & Equipment	Repairs
Federal Excise Tax	Replacement Vehicle Tax
Financial Institutions	Returns
Food, Drugs and Medical Appliances	Rolling Stock Exemption
Governmental Bodies	Sale at Retail
Graphic Arts	Sale for Resale
Gross Receipts	Sale of Service
Hotel Operators Tax	Sellers of Newspapers,
Interest	Magazines, Etc.
Interstate Commerce	Signature

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

(Continued)

Special Order
Statute of Limitations
Tax Collection
Tax Increment Financing
Tax Rate
Telecommunications Excise Tax
Temporary Storage
Trade-Ins
Use Tax
Vehicle Use Tax
Vendors

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 25¢ per page for each page over one.

The annual publication (all four quarters) is available for \$4.50.

3. Name and address of person to contact concerning this information:

Margaret Forth
Legal Division
101 West Jefferson Street
Springfield, Illinois 62708
Telephone: (217) 782-6996

DEPARTMENT OF REVENUE

1989 THIRD QUARTER SUNSHINE INDEX

AUTO RENTING TAX

- 89-0483 8-21-89 Tax exempt lessees claim exemption from Automobile Renting Use Tax by providing auto lessors with their sales tax exemption identification number.

CLAIMS FOR CREDIT

- 89-0464 8-10-89 A returned merchandise situation can serve as the basis for a claim for credit.

- 89-0526 9-06-89 Claims for credit can only be filed by the person who paid the tax to the Department of Revenue.

- 89-0553 9-28-89 A claim for credit is authorized when money has been paid to the Department erroneously and where the claimant has borne the burden of the tax.

COMPUTER SOFTWARE

- 89-0535 9-20-89 Effective October 1, 1989, canned software will be subject to tax.

CONSTRUCTION CONTRACTORS

- 89-0463 8-10-89 Construction contractors are deemed to be the users of the materials they purchase for permanent incorporation into real estate.

- 89-0533 9-19-89 Explains taxability of vertical wheelchair lifts, stairway lifts, lifting chairs and other items used to aid handicapped persons when these items are incorporated into real estate or free-standing. Also, informs taxpayers of the tax changes effective January 1, 1990.

ENTERPRISE ZONES

- 89-0429 7-03-89 A retailer of qualifying building materials must be located in a jurisdiction which established the enterprise zone into which the building materials will be incorporated.

- 89-0517 9-01-89 Carpeting can qualify for the enterprise zone exemption if all other requirements are met so long as it is glued down. Tacked down carpeting does not become

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permanently affixed to the real estate and can therefore not qualify for the enterprise zone exemption even when all other requirements are met.

EXEMPT ORGANIZATIONS

- 89-0534 9-19-89 Explains when a seller of tangible personal property may sell tangible personal property tax-free and what documentation is required. Also sets out the changes in the tax rates effective January 1, 1990.

- 89-0537 9-21-89 Acting as a contractor for the U.S. Government does not, in and of itself, provide exemption from Illinois taxation.

FARM MACHINERY AND EQUIPMENT

- 89-0476 8-16-89 Equipment purchased for use in grain storage operations by a grain elevator does not qualify for the Farm Machinery and Equipment Exemption.

- 89-0486 8-21-89 The purchase of a lawn mower tractor for the purpose of moving between rows of Christmas trees, does not qualify for the farm machinery & equipment exemption.

- 89-0511 7-18-89 Lighting, heating and cooling equipment specifically required by the production process can qualify for the farm machinery and equipment exemption.

- 89-0545 9-26-89 To claim the farm machinery and equipment exemption, a farmer must provide a written certification to the seller to the effect that the item being purchased will be used primarily in production agriculture.

FOOD, DRUGS AND MEDICAL APPLIANCES

- 89-0445 7-28-89 A prescription custom biomechanical foot transferred by a health care professional to his patients can qualify for the reduced rate of Service Occupation Tax which is applicable to drugs and medical appliances transferred by health care professionals.

- 89-0453 8-01-89 Drinks containing 50% or more natural fruit or vegetable juice will be taxed at the rate of 0%.

- 89-0499 8-29-89 A medical appliance is any device which substitutes for or corrects any functioning part of the human body.

DEPARTMENT OF REVENUE

- 89-0515 9-01-89 Effective January 1, 1990, an out-of-state Use Tax collector will be required to collect a 1% Use Tax when selling medicines.
- 89-0524 9-05-89 Items which would not normally qualify as medical appliances, such as automatic door openers, can qualify for exemption if purchased under a doctor's prescription.
- 89-0533 9-19-89 Explains taxability of vertical wheelchair lifts, stairway lifts, lifting chairs and other items used to aid handicapped persons when these items are incorporated into real estate or free-standing. Also, informs taxpayers of the tax changes effective January 1, 1990.
- 89-0539 9-25-89 Frames do qualify as medical appliances so long as prescription lenses will be fitted into those frames.

GRAPHIC ARTS

- 89-0512 9-01-89 Graphic Arts Machinery and Equipment Exemption does not extend to magnetic resonance imaging, computed axial tomography, ultrasound or nuclear medicine, such equipment not being used primarily in graphic arts production.

GROSS RECEIPTS

- 89-0433 7-05-89 Freight and handling charges made to Illinois customers by an Ohio direct sales company, constitute a cost of doing business not deductible from the Illinois sales tax calculation.
- 89-0446 7-31-89 Gross receipts include costs of doing business which are passed on to the purchaser, such costs not being deductible from the tax base.
- 89-0465 8-10-89 Restocking charges can be excluded from gross receipts when calculating Retailers' Occupation Tax liability.
- 89-0531 9-08-89 The Retailers' Occupation Tax or Use Tax on the photoprocessing component of self-developing film is satisfied when the purchaser pays the sales tax to his supplier. When a photographer sells instant photographs in a frame or other mounting, he is involved in a service and incurs Service Occupation Tax on the transfer of the frames or mounting.

DEPARTMENT OF REVENUE

- 89-0534 9-19-89 Explains when a seller of tangible personal property may sell tangible personal property tax-free and what documentation is required. Also sets out the changes in the tax rates effective January 1, 1990.

HOTEL OPERATORS TAX

- 89-0492 8-25-89 This letter discusses the exemption available to foreign diplomats by reason of federal treaty.
- 89-0523 9-05-89 There is no exemption from Hotel Operators' Occupation Tax for receipts from rooms rented to governmental bodies. As indicated at 86 Ill. Adm. Code 480.101(b)(3), the business of renting rooms to the public for use as living quarters or for sleeping or housekeeping accommodations, is subject to the Hotel Operators' Occupation Tax even if the person paying for the room may be a governmental agency or instrumentality (Federal, State, local).

INTERSTATE COMMERCE

- 89-0479 8-18-89 If an Illinois retailer is obligated, under the terms of its agreement with a purchaser, to make physical delivery to a point outside Illinois, and that delivery is actually made, the sale is exempt from Illinois sales tax. See 86 Ill. Adm. Code 130.605.
- 89-0480 8-18-89 This letter describes the interstate commerce exemption set out at 86 Ill. Adm. Code 130.605.
- 89-0513 9-01-89 The interstate commerce exemption can be documented by a trip sheet showing that the retailer's transportation vehicle transported merchandise directly to an out-of-state location. This procedure is set forth in 86 Ill. Adm. Code 130.605(e)(3).

LEASING

- 89-0435 7-10-89 The Illinois sales tax is not applicable to rental receipts. The only exception is receipts from the short-term rental of automobiles.
- 89-0456 8-08-89 This letter describes the application of the Illinois sales tax laws to sale/leaseback transactions.

DEPARTMENT OF REVENUE

89-0468 8-14-89 In Illinois, lessors are deemed to be the users of items purchased for rental inventories. The only exception is the lessor of automobiles under lease terms of one year or less.

89-0481 8-21-89 For State-administered tax purposes, sales and Use Taxes do not apply to rental receipts. The one exception is the short-term rental of automobiles.

89-0498 8-29-89 The maintenance of a rental inventory in Illinois constitutes a taxable use.

89-0503 8-29-89 For Illinois sales tax purposes, lessors are deemed to be the users of items purchased for rental inventory. The only exception is the rental of automobiles under a lease term of 1 year or less.

LOCAL TAXES

89-0424 7-03-89 When a retailer incurs a local tax liability, he is authorized to collect a corresponding local tax reimbursement from his customer.

89-0439 7-18-89 MROT is incurred by a person who either accepts purchase orders within the municipality or maintains an Illinois inventory within the municipality.

89-0473 8-16-89 Municipal Use Tax is applicable only to items purchased outside Illinois which must be registered with a State agency.

MANUFACTURING MACHINERY & EQUIPMENT

89-0437 7-18-89 Consumable supplies, even when necessary to the manufacturing process, do not qualify for the exemption because they are not machinery, equipment or replacement parts for machinery or equipment.

89-0438 7-18-89 Insoluble anodes can qualify for the manufacturing machinery & equipment exemption so long as they are used in a direct on-line manufacturing process.

89-0491 8-23-89 MES exemption extends to machinery and equipment used to cut and slit steel coil so long as the steel is destined for sale by the manufacturer.

DEPARTMENT OF REVENUE

89-0493 8-25-89 This letter applies the MES exemption and the sale for resale exemption to a series of transactions involving manufacturing machines.

89-0494 8-28-89 Equipment used by a dental lab to fabricate dental appliances can qualify for the Manufacturing Machinery & Equipment Exemption.

89-0497 8-29-89 Any subunit or assembly comprising a component of any machinery or auxiliary, adjunct or attachment, parts of machinery, such as tools, dies, jigs, fixtures, patterns and molds, or any parts which require periodic replacement in the course of normal operation are considered to be equipment which can be exempt under the manufacturing machinery and equipment exemption.

89-0505 8-31-89 Generally, the MES exemption does not extend to equipment used to clean a manufacturing facility, such equipment not being used in a direct, on-line manufacturing process.

89-0512 9-01-89 Graphic Arts Machinery and Equipment Exemption does not extend to magnetic resonance imaging, computed axial tomography, ultrasound or nuclear medicine, such equipment not being used primarily in graphic arts production.

89-0519 9-01-89 Under the MES exemption the RTA has no authority to reimpose the RTA tax on sales of qualifying manufacturing machinery & equipment.

89-0527 9-06-89 The sale of a batch plant can qualify for the manufacturing machinery and equipment exemption. A written letter ruling issued by the Department is binding on the Department unless such letter ruling is superseded by a subsequent letter ruling or by law or statute.

89-0532 9-18-89 The Manufacturing Machinery and Equipment Exemption is not available when repair parts are transferred incident to a repair service.

89-0542 9-26-89 Activated carbon filters which are used in electro plating baths, can qualify for the MES exemption if the electro plating baths are used in a direct, on-line manufacturing process.

89-0547 9-27-89 Under the MES exemption, a purchaser should claim the exemption by providing the seller with the purchaser's

DEPARTMENT OF REVENUE

active registration or resale number, otherwise an exemption certificate (RR-587).

MISCELLANEOUS

- 89-0443 7-20-89 Request for information.
- 89-0448 7-31-89 Request for information.
- 89-0459 8-08-89 Request for information
- 89-0470 8-15-89 Request for information
- 89-0536 9-20-89 Request for Information
- 89-0555 8-22-89 When an agricultural producer purchases farm chemicals, he should provide a simple statement that the chemicals are for use in the production of crops that are to be sold or in the production or care of animals that are to be sold or the products of which are to be sold. See, 130.1955(b).

MOTOR FUEL TAX

- 89-0485 8-21-89 Sales of motor fuel to operate commercial boats on Illinois' waters are not subject to Motor Fuel Tax liability.
- 89-0495 8-28-89 Effective 1/1/90, the sale of oil products by a retailer located in Cook County is subject to a sales tax rate of 7%.
- 89-0507 8-31-89 Fuels used for the propulsion of aircraft are not subject to Illinois motor fuel taxes.

OCCASIONAL SALE

- 89-0472 8-15-89 Sales of no longer needed company cars, by a corporation not in the business of selling vehicles, constitute non-taxable occasional sales.

POLLUTION CONTROL FACILITIES

- 89-0496 8-29-89 "Pollution control facilities" includes any device which is for the primary purpose of treating, pre-treating, modifying or disposing of any potential solid, liquid or gaseous pollutant which if released without such treatment, pre-treatment, modification or disposal might be harmful, detrimental or offensive to human, plant or animal life, or to property.

DEPARTMENT OF REVENUE

- 89-0510 7-18-89 A concrete foundation dedicated to support a pollution control facility and nothing else can qualify for the exemption.

PREPAID SALES TAX

- 89-0554 9-28-89 A supplier of motor fuel should collect the prepaid sales tax only from those who are registered retailers of motor fuel.

PRODUCTS OF PHOTOPROCESSING

- 89-0432 7-05-89 "Rush service" charges are subject to Illinois sales tax because such charges are made in connection with the sale of the products of photoprocessing and such charges are, themselves, photoprocessing charges.
- 89-0502 8-29-89 The Retailers' Occupation Tax base for the products of photoprocessing is the photoprocessing component of the sales invoice. If the photoprocessing component is not separately stated, then the base is 50% of the entire invoice unless the seller is a professional photographer in which case it is 10% of the entire invoice.

ROLLING STOCK EXEMPTION

- 89-0466 8-14-89 Parts which become a physical component part of a qualifying vehicle can also qualify for the Rolling Stock Exemption.
- 89-0490 8-23-89 High pressure cleaning systems which are used to clean rolling stock do not qualify for the rolling stock exemption.
- 89-0528 9-07-89 Charter fishing boats do not qualify for the rolling stock exemption even though they may go into waters outside Illinois from time to time.

SALE AT RETAIL

- 89-0425 7-03-89 An agent acting for a known or disclosed principal is not making a sale at retail if the known or disclosed principal is an isolated or occasional seller.
- 89-0428 7-03-89 The blasting of stone at a stone quarry does not constitute a sale at retail.

- 89-0434 7-05-89 Effective 1/1/90, the Illinois Retailers' Occupation Tax rate will be 6.25%. (P.A. 85-1135)
- 89-0444 7-28-89 Sale of tangible personal property to a lessor is a sale at retail.
- 89-0451 7-31-89 An interior designer who transfers merchandise along with the providing of services incurs Retailers' Occupation Tax liability on the receipts, but only on the selling price of the merchandise if the services are separately contracted for, such sale being a sale at retail.
- 89-0452 7-31-89 The sale of the product of photoprocessing is a sale at retail which is subject to tax on the photoprocessing component of a bill if the component is separately stated. Otherwise, tax is due on 50% of the entire selling price.
- 89-0455 8-08-89 Sales of grave markers by a cemetery association result in Retailers' Occupation Tax liability.
- 89-0458 8-08-89 Cooperative purchasing clubs are deemed to be retailers for purposes of the Illinois sales tax laws. See, 86 Ill. Adm. Code Section 130.1945(a).
- 89-0461 8-09-89 Food, drugs or medical appliances are subject to the reduced rate of tax.
- 89-0474 8-16-89 Blueprints transferred or utilized by architects, designers or engineers are subject to Service Occupation Tax and are not considered to be a sale at retail when transferred.
- 89-0478 8-18-89 Effective October 1, 1989, the sale of canned software at retail will be viewed as a sale at retail which is subject to Retailers' Occupation Tax.
- 89-0482 8-21-89 A sale for resale is normally documented via a certificate of resale which contains all of the items of information noted in 86 Ill. Adm. Code 130.1410.
- 89-0495 8-28-89 Effective 1/1/90, the sale of oil products by a retailer located in Cook County is subject to a sales tax rate of 7%.
- 89-0518 9-01-89 There is no sale at retail when no merchandise is being sold over-the-counter.

- 89-0529 9-08-89 Auto leasing companies cannot claim the occasional sale exemption when selling automobiles. See, Ill. Rev. Stat. ch. 120, par. 440c.
- 89-0548 9-27-89 A sale to an end-user is a sale at retail.
- 89-0550 9-27-89 There is no sale at retail if there is no sale or transfer of tangible personal property.
- 89-0552 9-28-89 When a financial institution provides merchandise to its depositors in lieu of interest, such transaction is viewed as a sale at retail on the part of the bank and the bank incurs Retailers' Occupation Tax liability on such sale.

SALE FOR RESALE

- 89-0450 7-31-89 A retailer who will resell boxes to customers as non-returnable packaging can purchase those boxes under a Certificate of Resale.
- 89-0462 8-10-89 Paper products such as straws and napkins purchased by restaurants for the carry-out trade can be purchased for resale.
- 89-0477 8-18-89 Sale for resale should be documented by a certificate of resale which complies with 86 Ill. Adm. Code 130.1410.
- 89-0487 8-22-89 There is no statutory requirement that Certificates of Resale be updated every three years.
- 89-0500 8-29-89 Certificates of Resale should contain all information set out at 86 Ill. Adm. Code Section 130.1410.
- 89-0504 8-30-89 Sales for resale should be documented by certificates of resale containing all information required by 86 Ill. Adm. Code 130.1410.
- 89-0508 8-31-89 A sale for resale should be documented by a certificate containing the items of information noted in 86 Ill. Adm. Code 130.1410. However, an out-of-state purchaser who will always resell and deliver the merchandise to his customers outside Illinois, can provide such a statement in lieu of an Illinois registration or resale number.

DEPARTMENT OF REVENUE

SALE OF SERVICE

- 89-0430 7-03-89 Service Occupation Tax is the tax applicable to specially produced trade exhibits and displays which have use or value only to a particular purchaser.
- 89-0431 7-05-89 When a veterinarian transfers a pet food which is available only on prescription and the transfer is made in connection with a specific treatment program, a service situation exists. When a veterinarian sells pet food which is available for sale without a prescription, a retail situation exists and this is true even though the food has been recommended for a particular animal by the veterinarian.
- 89-0442 7-19-89 The relationship between dentists and dental labs constitutes a multi-service situation which is subject to the provisions of 86 Ill. Adm. Code Section 140.145.
- 89-0454 8-02-89 This letter discusses the sale/transfer of flea products by veterinarians and resultant ROT/SOT liability.
- 89-0457 8-08-89 This letter explains the changes in the Service Occupation Tax Act effective January 1, 1990.
- 89-0460 8-08-89 The Service Occupation Tax Act has been applicable to dentists since its effective date in 1961.
- 89-0467 8-14-89 Veterinarians incur Retailer's Occupation Tax when selling pet care products "over-the-counter" and Service Occupation Tax liability when transferring medication incident to veterinary practice.
- 89-0469 8-14-89 This letter sets out the changes in the Service Occupation Tax Act effective January 1, 1990.
- 89-0475 8-16-89 This letter explains the changes to the Service Occupation Tax Act effective 1/1/90.
- 89-0484 8-21-89 In the context of a multi-service situation, a subcontractor can give a written certification to the primary serviceman indicating that tax has already been paid on the materials being transferred to the primary serviceman thus relieving the primary serviceman of any Service Occupation Tax liability on the materials being purchased from the subcontractor.
- 89-0501 8-29-89 Effective January 1, 1990, the Service Occupation Tax base changes.

DEPARTMENT OF REVENUE

- 89-0509 8-31-89 Dentists, physicians and other people who make sales of service incur Service Occupation Tax liability based upon their cost price of tangible personal property which they transfer to their customers as an incident to their sales of service.
- 89-0514 9-01-89 Dry cleaners incur SOT based on the cost price of hangers and plastic wraps which they transfer to their customers as an incident to sale of dry cleaning services.
- 89-0521 9-01-89 Service Occupation Tax is currently based on the serviceman's cost price of tangible personal property transferred incident to service. Effective January 1, 1990, that will change.
- 89-0522 9-01-89 Service Occupation Tax does not apply to merchandise transferred by a serviceman as an incident to his rendering of service so long as the purchaser provides a certificate of resale indicating that the item received pursuant to the purchase of service will be resold at retail.
- 89-0525 9-05-89 This letter describes the change in the Service Occupation Tax base which is effective 1/1/90.
- 89-0530 9-08-89 This letter describes the change in the Service Occupation Tax base effective 1/1/90.
- 89-0540 9-26-89 Veterinarians, so long as they do not sell items over-the-counter, are considered to be servicemen and can discharge their Service Occupation Tax liability by paying tax "up front" to their suppliers. This letter also describes the Service Occupation Tax changes which take effect 1/1/90.
- 89-0541 9-26-89 This letter describes the Service Occupation Tax changes effective January 1, 1990.
- 89-0544 9-26-89 Currently, a primary serviceman is relieved of Service Occupation Tax liability if he gets a written certification from his subcontractor/serviceman to the effect that the tax has been or will be paid by the subcontractor/serviceman. This letter also describes the Service Occupation Tax changes which take effect on January 1, 1990.
- 89-0546 9-26-89 Effective January 1, 1990, Service Occupation Tax will be imposed upon the selling price of tangible personal property where the acquisition cost of the tangible personal

DEPARTMENT OF REVENUE

property is equal to or greater than 35% of the total receipts from the sale of service, such calculation being made on an annual basis at the option of the serviceman.

89-0551 9-27-89 This letter describes the Service Occupation Tax changes effective 1/1/90.

89-0556 8-28-89 This letter describes the changes in the Service Occupation Tax Act effective 1/1/90.

SELLERS OF NEWSPAPERS, MAGAZINES, ETC.

89-0516 9-01-89 Newspapers and magazines qualify for the newsprint & ink exemption.

TELECOMMUNICATIONS EXCISE TAX

89-0427 7-03-89 Municipalities, municipal corporations and public charities are fully taxable under the Telecommunications Excise Tax even though they may be exempt from sales taxes.

89-0447 7-31-89 An out-of-state telephone company which is neither a retailer nor a retailer maintaining a place in Illinois, as defined under the Illinois Telecommunications Excise Tax Act, need not register with the Illinois Department of Revenue under the Act.

89-0471 8-15-89 There is no statutory exemption from Telecommunication Excise Tax for housing authorities.

89-0543 9-26-89 Telecommunications tax applies to receipts from the furnishing of computerized voice mail services.

TEMPORARY STORAGE

89-0436 7-18-89 The temporary storage exemption requires that the item be acquired outside Illinois. See, 86 Ill. Adm. Code Section 150.310.

USE TAX

89-0426 7-03-89 An ad agency which sells calendars to clients who will give those calendars away is making taxable retail sales.

89-0440 7-18-89 An owner of a copy machine who buys paper for use in the copying machine incurs a Use Tax liability on the paper.

DEPARTMENT OF REVENUE

89-0449 7-31-89 Retailer maintaining a place of business in this State must be registered as a Use Tax collector.

89-0489 8-22-89 An out-of-state retailer maintaining a place of business in this State is required to collect Illinois Use Tax when shipping merchandise into Illinois to an end-user.

89-0506 8-31-89 Construction contractors incur Use Tax liability on their cost price of the merchandise which they subsequently incorporate into real estate.

89-0520 9-01-89 Use Tax applies to out-of-state and even out-of-country purchases of tangible personal property at retail where the merchandise is brought into Illinois.

89-0549 9-27-89 A lessor of tangible personal property, under the terms of a true rental agreement, incurs a Use Tax liability.

VEHICLE USE TAX

89-0441 7-18-89 The Used Car Tax is inapplicable to an individual sale of an aircraft.

89-0488 08-22-89 When assets are purchased from a corporation and those assets are motor vehicles, the used car tax applies unless the beneficial ownership in the vehicles is not changed.

89-0538 9-25-89 The Used Car Tax is imposed at the full rate when a vehicle owned by a corporation is transferred to one of its shareholders.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
STATE OF ILLINOIS CENTERROOM 16-503
CHICAGO, ILLINOIS
10:00 A.M.
FEBRUARY 8, 1990

NOTICE: It is the policy of the Joint Committee to allow only representatives of state agencies to testify orally on any rule under consideration at Joint Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee at the following address:

Joint Committee on Administrative Rules
509 South Sixth Street
Room 500
Springfield, Illinois 62701

AGENDA

- I. Approval of January 10, 1990 Minutes
- II. Review of Proposed Agency Rulemaking

Department of Agriculture

1. Animal Diagnostic Laboratory Act; 8 Ill. Adm. Code 110
-First Notice Published: 13 Ill. Reg. 16861 - 11-3-89
-Expiration of Second Notice Period: 2-13-90
2. Meat and Poultry Inspection Act; 8 Ill. Adm. Code 125
-First Notice Published: 13 Ill. Reg. 16625 - 10-27-89
-Expiration of Second Notice Period: 2-16-90

Department of Central Management Services

3. Pay Plan; 80 Ill. Adm. Code 310
-First Notice Published: 13 Ill. Reg. 17521 - 11-17-89
-Expiration of Second Notice Period: 2-26-90
4. Conditions of Employment; 80 Ill. Adm. Code 303
-First Notice Published: 13 Ill. Reg. 17169 - 11-13-89
-Expiration of Second Notice Period: 2-26-90

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

Illinois Commerce Commission

5. Standards of Service for Electric Utilities; 83 Ill. Adm. Code 410
-First Notice Published: 13 Ill. Reg. 16211 - 10-13-89
-Expiration of Second Notice Period: 3-5-90
6. Standards of Service for Gas Utilities; 83 Ill. Adm. Code 500
-First Notice Published: 13 Ill. Reg. 16219 - 10-20-89
-Expiration of Second Notice Period: 3-5-90

Department of Commerce and Community Affairs

7. Enterprise Zone Program; 14 Ill. Adm. Code 520
-First Notice Published: 13 Ill. Reg. 15975 - 10-13-89
-Expiration of Second Notice Period: 3-5-90

Illinois Community College Board

8. Administration of the Illinois Public Community College Act; 23 Ill. Adm. Code 1501
-First Notice Published: 13 Ill. Reg. 16869 - 11-3-89
-Expiration of Second Notice Period: 2-13-90

State Board of Education

9. Private Business and Vocational Schools, Repeal of; 23 Ill. Adm. Code 451
-First Notice Published: 13 Ill. Reg. 9082 - 6-16-89
-Expiration of Second Notice Period: 2-20-90
10. Private Business and Vocational Schools; 23 Ill. Adm. Code 451
-First Notice Published: 13 Ill. Reg. 9133 - 6-16-89
-Expiration of Second Notice Period: 2-30-90

11. Disadvantaged Students Funds Plan--Districts Over 50,000 ADA; 23 Ill. Adm. Code 202
-First Notice Published: 13 Ill. Reg. 13367 - 8-25-89
-Expiration of Second Notice Period: 3-1-90

Environmental Protection Agency

12. Delegation of Construction and Operating Permit Authority for Sanitary and Combined Sewers and Water Main Extensions; 35 Ill. Adm. Code 174
-First Notice Published: 13 Ill. Reg. 16242 - 10-20-89
-Expiration of Second Notice Period: 2-5-90

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

Department of Insurance

13. Accident and Health Risk Ratio Notice; 50 Ill. Adm. Code 938
-First Notice Published: 13 Ill. Reg. 17592 - 11-17-89
-Expiration of Second Notice Period: 2-26-90

Illinois Educational Labor Relations Board

14. Fair Share Fee Objections; 80 Ill. Adm. Code 1125
-First Notice Published: 13 Ill. Reg. 15182 - 9-29-89
-Expiration of Second Notice Period: 3-2-90

Department of Mines and Minerals

15. The Illinois Explosive Act; 62 Ill. Adm. Code 200
-First Notice Published: 13 Ill. Reg. 18062 - 11-27-89
-Expiration of Second Notice Period: 2-26-90
16. Surface Mined Land Conservation and Reclamation Act; 62 Ill. Adm. Code 300
-First Notice Published: 13 Ill. Reg. 18103 - 11-27-89
-Expiration of Second Notice Period: 2-26-90
17. An Act Relating to the Manufacture, Possession, Storage, Transportation, Use, Sale, or Gift of Explosives, Repeal of; 62 Ill. Adm. Code 200
-First Notice Published: 13 Ill. Reg. 18056 - 11-27-89
-Expiration of Second Notice Period: 2-26-90

Pollution Control Board

18. Organic Material Emission Standards and Limitations; 35 Ill. Adm. Code 215
-First Notice Published: 13 Ill. Reg. 15249 - 9-29-89
-Expiration of Second Notice Period: 3-2-90

Department of Public Aid

19. Developmental Disabilities Services; 89 Ill. Adm. Code 144
-First Notice Published: 13 Ill. Reg. 11999 - 7-21-89
-Expiration of Second Notice Period: 2-13-90
20. Aid to Families with Dependent Children; 89 Ill. Adm. Code 112
-First Notice Published: 13 Ill. Reg. 1948 - 2-17-89
-Expiration of Second Notice Period: 2-20-90

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

21. Drug Manual; 89 Ill. Adm. Code 141
-First Notice Published: 13 Ill. Reg. 17665 - 11-17-89
-Expiration of Second Notice Period: 3-2-90
22. Medical Payment; 89 Ill. Adm. Code 140
-First Notice Published: 13 Ill. Reg. 17667 - 11-17-89
-Expiration of Second Notice Period: 3-2-90
23. Medical Assistance Programs; 89 Ill. Adm. Code 120
-First Notice Published: 13 Ill. Reg. 15582 - 10-6-89
-Expiration of Second Notice Period: 3-5-90
24. General Assistance; 89 Ill. Adm. Code 114
-First Notice Published: 13 Ill. Reg. 16691 - 10-27-89
-Expiration of Second Notice Period: 3-5-90
25. Aid to Families with Dependent Children; 89 Ill. Adm. Code 112.82
-First Notice Published: 13 Ill. Reg. 16894 - 11-3-89
-Expiration of Second Notice Period: 3-5-90
26. Aid to Families with Dependent Children; 89 Ill. Adm. Code 112.300
-First Notice Published: 13 Ill. Reg. 16894 - 11-3-89
-Expiration of Second Notice Period: 3-5-90
27. Medical Assistance Programs; 89 Ill. Adm. Code 120
-First Notice Published: 13 Ill. Reg. 17229 - 11-13-89
-Expiration of Second Notice Period: 3-5-90
28. Aid to Families with Dependent Children; 89 Ill. Adm. Code 112
-First Notice Published: 13 Ill. Reg. 18833 - 12-1-89
-Expiration of Second Notice Period: 3-5-90
- Department of Public Health
29. The Illinois Formulary for the Drug Product Selection Program; 77 Ill. Adm. Code 790
-First Notice Published: 13 Ill. Reg. 16910 - 11-3-89
-Expiration of Second Notice Period: 2-13-90
- Department of Rehabilitation Services
30. Special Education Personnel; 89 Ill. Adm. Code 810
-First Notice Published: 13 Ill. Reg. 13739 - 9-1-89
-Expiration of Second Notice Period: 2-23-90

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

Department of Revenue

31. Income Tax; 86 Ill. Adm. Code 100 - 11-13-89
-First Notice Published: 13 Ill. Reg. 17312
-Expiration of Second Notice Period: 2-13-90
32. Income Tax; 86 Ill. Adm. Code 100
-First Notice Published: 13 Ill. Reg. 18188 - 11-27-89
-Expiration of Second Notice Period: 2-26-90

Department of Transportation

33. Alternate Fuel Systems for School Buses; 92 Ill. Adm. Code 449
-First Notice Published: 13 Ill. Reg. 16944 - 11-3-89
-Expiration of Second Notice Period: 2-5-90

34. Repeal of Establishing and Posting Speed Limits on Streets and Highways; 92 Ill. Adm. Code 548
-First Notice Published: 13 Ill. Reg. 17731 - 11-17-89
-Expiration of Second Notice Period: 2-20-90

35. Repeal of Illinois Manual on Uniform Traffic Control Devices; 92 Ill. Adm. Code 546
-First Notice Published: 13 Ill. Reg. 17767 - 11-17-89
-Expiration of Second Notice Period: 2-20-90

III. Certification of No Objection to Proposed Rulemaking

IV. Review of Emergency Rulemaking and Peremptory Rulemaking

Department of Commerce and Community Affairs

36. Technology Advancement and Development Act Programs; 14 Ill. Adm. Code 545 (Emergency)
-Notice Published: 13 Ill. Reg. 19753 - 12-15-89

Illinois Community College Board

37. Administration of the Public Community College Act; 23 Ill. Adm. Code 1501 (Emergency)
-Notice Published: 14 Ill. Reg. 299 - 1-5-90

Board of Higher Education

38. Higher Education Cooperation Act; 23 Ill. Adm. Code 1010 (Emergency)
-Notice Published: 13 Ill. Reg. 20390 - 12-29-89

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

Department of Financial Institutions

39. Title Insurance Act; 50 Ill. Adm. Code 1800 (Emergency)
-Notice Published: 14 Ill. Reg. 305 - 1-5-90

Department of Public Health

40. Asbestos Abatement for Public and Private Schools in Illinois; 77 Ill. Adm. Code 855 (Emergency)
-Notice Published: 14 Ill. Reg. 335 - 1-5-90

V. Incorporation by Reference

VI. Agency Responses to Joint Committee Statements of Objection

Department on Aging

41. Community Care Program; 89 Ill. Adm. Code 240
-First Published: 13 Ill. Reg. 13638 - 8-25-89
-Objection Date: 10-17-89
-Response: Refusal

Department of Employment Security

42. Employment; 56 Ill. Adm. Code 2732
-First Published: 13 Ill. Reg. 12748 - 8-4-89
-Objection Date: 12-14-89
-Response: Obj - Refusal to Modify
Rec - Agreement

Department of Rehabilitation Services

43. Service Plan Development; 89 Ill. Adm. Code 700
-First Published: 13 Ill. Reg. 13684 - 8-25-89
-Objection Date: 10-17-89
-Response: Failure to Respond

VII. Exempt Rulemakings

Pollution Control Board

44. Pretreatment Programs; 35 Ill. Adm. Code 310
-Proposed Date: 6-23-89
-Adopted Date: 11-27-89

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

45. RCRA and UIC Permit Programs; 35 Ill. Adm. Code 702
-Proposed Date: 6-30-89
-Adopted Date: 11-13-89
46. RCRA Permit Program; 35 Ill. Adm. Code 703
-Proposed Date: 6-30-89
-Adopted Date: 11-13-89
47. Hazardous Waste Management System: General; 35 Ill. Adm. Code 720
-Proposed Date: 6-30-89
-Adopted Date: 11-13-89
48. Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities; 35 Ill. Adm. Code 724
-Proposed Date: 6-30-89
-Adopted Date: 11-13-89
49. Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities; 35 Ill. Adm. Code 725
-Proposed Date: 6-30-89
-Adopted Date: 11-13-89
50. Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities; 35 Ill. Adm. Code 726
-Proposed Date: 6-30-89
-Adopted Date: 11-13-89
51. Land Disposal Restrictions; 35 Ill. Adm. Code 728
-Proposed Date: 6-30-89
-Adopted Date: 11-13-89

VIII. Annual Report

Recommendation

It is recommended that the Joint Committee approve the draft of the 1989 Joint Committee on Administrative Rules Annual Report.

IX. Complaint Review

Office of the State Fire Marshal

Fire Prevention and Safety (41 Ill. Adm. Code 100)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of January 16, 1990, through January 19, 1990, and have been scheduled for review by the Committee at its February 8, 1990 meeting. Other items not contained in this published list may also be considered by the Joint Committee at its February meeting. Members of the public wishing to express their views with respect to a proposed rule should submit written comments to the Joint Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
3/2/90	Department of Public Aid, Drug Manual (89 Ill. Adm. Code 141)	11/17/89 13 Ill. Reg. 17665	February 8, 1990
3/2/90	Department of Public Aid, Medical Payment (89 Ill. Adm. Code 140)	11/17/89 13 Ill. Reg. 17667	February 8, 1990
3/2/90	Illinois Educational Labor Relations Board, Fair Share Fee Objections (80 Ill. Adm. Code 1125)	9/29/89 13 Ill. Reg. 15182	February 8, 1990
3/2/90	Pollution Control Board, Organic Material Emission Standards and Limitations (35 Ill. Adm. Code 215)	9/29/89 13 Ill. Reg. 15249	February 8, 1990
3/5/90	Department of Public Aid, Medical Assistance Programs (89 Ill. Adm. Code 120)	10/6/89 13 Ill. Reg. 15582	February 8, 1990
3/5/90	Department of Public Aid, General Assistance (89 Ill. Adm. Code 114)	10/27/89 13 Ill. Reg. 16691	February 8, 1990
3/5/90	Department of Public Aid, Aid to Families with Dependent Children (89 Ill. Adm. Code 112.82)	11/3/89 13 Ill. Reg. 16894	February 8, 1990

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSECOND NOTICES RECEIVED
(page 2)

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
3/5/90	Department of Public Aid, Aid to Families with Dependent Children (89 Ill. Adm. Code 112.300)	11/3/89 13 Ill. Reg. 16894	February 8, 1990
3/5/90	Department of Public Aid, Medical Assistance Programs (89 Ill. Adm. Code 120)	11/13/89 13 Ill. Reg. 17229	February 8, 1990
3/5/90	Department of Public Aid, Aid to Families with Dependent Children (89 Ill. Adm. Code 112)	12/1/89 13 Ill. Reg. 18833	February 8, 1990
3/5/90	Department of Commerce and Community Affairs, Enterprise Zone Program (14 Ill. Adm. Code 520)	10/13/89 13 Ill. Reg. 15975	February 8, 1990
3/5/90	Illinois Commerce Commission, Standards of Service for Electric Utilities (83 Ill. Adm. Code 410)	10/20/89 13 Ill. Reg. 16211	February 8, 1990
3/5/90	Illinois Commerce Commission, Standards of Service for Gas Utilities (83 Ill. Adm. Code 500)	10/20/89 13 Ill. Reg. 16219	February 8, 1990

PROCLAMATION

90-12
ENGINEERS WEEK

Whereas, the engineering community of this state has provided us with a wealth of innovation in the fields of agriculture, industry, transportation, construction, and education; and Whereas, increasingly, we must depend upon these professional men and women to find technological solutions to the problems we will face in the future; and

Whereas, in order to emphasize the role of professional engineers in our society, the 1990 theme for National Engineers Week is "Engineers: Turning Ideas Into Reality";

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim February 17-24, 1990, as ENGINEERS WEEK in Illinois in conjunction with the national observance, and in recognition of the indispensable contributions engineers have made in the past and will continue to make in the future.

Issued by the Governor January 16, 1990.

Filed with the Secretary of State January 22, 1990.

90-13

KIDNEY MONTH

Whereas, thousands of Illinois residents suffer from kidney and genitourinary-related diseases; and

Whereas, these diseases can cause chronic illness, work loss, and financial problems; and

Whereas, since its organization in 1949, the Kidney Foundation of Illinois has dedicated itself to the prevention, treatment, and cure of kidney disease; and

Whereas, the Kidney Foundation works toward the eradication of this major health problem through programs of research, public and professional education, patient and community service, and organ donation; and

Whereas, the Kidney Foundation plans extensive public education during the month of March;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim March 1990 as KIDNEY MONTH in Illinois and urge all citizens to recognize the contributions that the Kidney Foundation of Illinois has made to the citizens of this state.

Issued by the Governor January 16, 1990.

Filed with the Secretary of State January 22, 1990.

90-14

LAND AND WATER CONSERVATION FUND/25TH ANNIVERSARY

Whereas, the Land and Water Conservation Fund program became effective 25 years ago on January 1, 1965; and

Whereas, the Land and Water Conservation Fund has assured a nationwide recreation and conservation legacy for future generations and made an immense contribution to Illinois' outdoor recreation resources and quality of life; and

Whereas, the Fund promotes a partnership of federal, state, and local outdoor recreation and conservation agencies; and

Whereas, this partnership has put into public ownership almost 6,000 acres of Illinois land for outdoor recreation purposes and improved facilities on almost 300 outdoor recreation sites in Illinois;

Therefore, I, James R. Thompson, Governor of the State of Illinois, recognize the 25th anniversary of the LAND AND WATER CONSERVATION FUND and commend the Fund on its dedication to recreation and conservation in Illinois.

Issued by the Governor January 16, 1990.

Filed with the Secretary of State January 22, 1990.

90-15

SOUTH SIDE YMCA DAY

Whereas, the YMCA is dedicated to family-oriented activities and offers a variety of programs in the areas of health, sports, recreation, child care, family life, and leadership and community development; and

Whereas, the YMCA of Metropolitan Chicago is opening its 37th facility. The new, state-of-the-art facility will serve South Side communities from Dearborn Park to Beverly; and

Whereas, the South Side YMCA has instituted "The Community Equity Program" which will distribute more than \$100,000 of memberships annually over the next 13 years to people who need financial assistance;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim January 23, 1990, as SOUTH SIDE YMCA DAY in Illinois and encourage Illinoisans to support the efforts of the YMCA throughout the state.

Issued by the Governor January 16, 1990.

Filed with the Secretary of State January 22, 1990.

90-16

EARTH DAY

Whereas, 20 years ago, more than 20 million Americans joined together on Earth Day in a demonstration of concern for the environment, and their collective action resulted in the passage of sweeping new laws to protect our air, water, and land; and

Whereas, despite environmental improvements, the environmental health of the planet is increasingly endangered by global climate, ozone depletion, growing world population, deforestation, ocean pollution, and hazardous and solid waste, all serious problems that require action by every sector of

society; and

Whereas, Earth Day 1990 is a national and international call to action for all citizens to join in a global effort to save the planet; and

Whereas, Earth Day 1990 activities will educate all citizens on the importance of acting in an environmentally sensitive fashion by recycling, conserving energy and water, using energy-efficient transportation, and adopting a more ecologically sound lifestyle; and

Whereas, Earth Day 1990 activities and events will educate all citizens on the importance of supporting the passage of legislation that will help protect the environment;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim April 22, 1990, as EARTH DAY in Illinois and urge Illinoisans to participate in activities promoting preservation of the global environment and launching the "Decade of the Environment."

Issued by the Governor January 17, 1990.

Filed with the Secretary of State January 22, 1990.

90-17

FOREIGN WEEK

Whereas, Alpha Mu Gamma was established in 1931 as the national collegiate foreign language honor society of the United States; and

Whereas, Alpha Mu Gamma was created to recognize achievement in the field of foreign language study and encourage interest in the study of foreign languages, literatures, and cultures; and

Whereas, in 1957, President Eisenhower proclaimed the observance of National Foreign Week and each president thereafter has recognized the observance of National Foreign Week;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim March 4-10, 1990, as FOREIGN WEEK in Illinois.

Issued by the Governor January 17, 1990.

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90-18

ASTRONAUT REMEMBRANCE DAY

Whereas, January 28, 1990, marks the 4th anniversary of the tragic Challenger disaster; and

Whereas, through the years 15 brave astronauts have lost their lives while pursuing the exploration of space and the betterment of mankind; and

Whereas, we are entrusted with their memory; without our recollections and remembrances of their valor and bravery, their deaths become meaningless sacrifices; and

Whereas, it is fitting that we honor and remember these space explorers with one minute of silence on January 28th from

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hereafter. The astronauts to be honored are Virgil (Gus) Grissom, Edward White, Roger Chaffee, Ted Freeman, Charles Bassett, Elliott See, C. C. Williams, Edward Givens, Francis R. (Dick) Scobee, Michael J. Smith, Judith A. Resnik, Ronald E. McNair, Ellison S. Onizuka, Gregory B. Jarvis, and Sharon Christa McAuliffe;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim January 28, 1990, as ASTRONAUT REMEMBRANCE DAY in Illinois and urge Illinoisans to take time to reflect upon the dedication of these courageous explorers.

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90-19

LAND SURVEYORS' MONTH

Whereas, land surveying is one of the oldest technical services of mankind. Today, our complex civilization depends more and more on surveyors' accuracy and skills to determine not only property rights, but also the methods of design and construction; and

Whereas, the surveying skills of George Washington, the Commander-in-Chief of our Revolutionary Forces, may well have had considerable influence on the winning of our national independence since Washington, a land surveyor before the war, directed the planning of military operations and selected the battle sites; and

Whereas, more than 80 years later when the states were threatened by a cruel division, another great president and former surveyor, Abraham Lincoln, became recognized as the "Savior of Our Country" after directing the campaigns that preserved our nation;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim February 1990 as LAND SURVEYORS' MONTH in Illinois, in recognition of the two "Land Surveyor Presidents," George Washington and Abraham Lincoln, whose birthdates are observed this month.

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90-20

MARION HOUSING AUTHORITY REFERENDUM/FEDERAL SOCIAL SECURITY ACT/ILLINOIS PENSION CODE

Whereas, the Housing Authority of the City of Marion desires to provide Federal Old Age, Survivors, Disability, and Health Insurance coverage for its employees, in addition to the defined contribution pension plan effective October 1, 1985; and

Whereas, the referendum must be conducted in accordance with the Federal Social Security Act and Illinois Pension Code,

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Article 21, as amended, which requires that eligible employees who participate in the Housing Authority retirement plan be given the opportunity to indicate by written ballot the need for Social Security coverage; and

Whereas, the referendum procedure requires that eligible employees be given a detailed description of the two choices available and allowed 90 days notice prior to the voting date; Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim eligible employees be given 90 days notice before their choice is expressed by written ballot in conformity with the referendum procedure under the Federal Social Security Act and the Illinois Pension Code. The ballots shall be returned to the Chairman of the Board of Commissioners of the Housing Authority of the City of Marion and the referendum concluded not later than May 1, 1990.

I hereby designate the Executive Secretary of the State Employees' Retirement System and the Chairman of the Board of Commissioners of the Housing Authority of the City of Marion as the officials who are jointly responsible for the distribution of details of the proclamation pursuant to the provisions of the Federal Social Security Act and the Illinois Pension Code, Article 21, as amended. I hereby confer upon such officials the authority to jointly certify the results of the referendum to be conducted as herein proclaimed in accordance with said statutes.

Issued by the Governor January 18, 1990.

Filed with the Secretary of State January 22, 1990.

90-21

UKRAINIAN INDEPENDENCE DAY

Whereas, Ukrainians have sought the refuge of our land and contributed to its growth and prosperity for over 100 years. Every year, in the freedom of America, they celebrate January 22 as their Day of Independence; and

Whereas, on that day in 1918 the Ukrainians, whose land had so often been invaded and torn by strife, proclaimed the reunification of their country. But other occupations followed, and their independence was short-lived; and

Whereas, many Ukrainians have left their homeland, but have not forgotten their heritage. By bringing their characteristics, culture and ethnic practices to America, they have added to its colorful tapestry and strength; and

Whereas, recent events in Eastern Europe have added to the hope that the corruptness of the communist system will allow independence for all the captive nations;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim January 22, 1990, as UKRAINIAN INDEPENDENCE DAY in Illinois. I encourage all Illinoisans to note the significance of this event.

Issued by the Governor January 18, 1990.

Filed with the Secretary of State January 22, 1990.